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THE SOLICITORS' JOURNAL.

LONDON, APRIL 6, 1861.

CURRENT TOPICS.

The proceedings on the Home Circuit during the last week present the singular feature of an action brought by a gentleman against a lady ostensibly to recover damages for the breach of an engagement to marry him, but really to vindicate his character against the imputation of immorality by which the lady justified her change of mind. Lord Chief Justice Erle made many strenuous efforts to escape the unpleasant duty of having to try this case. He seemed most entirely to agree with Mr. Serjt. Ballantine that "it was always a very painful matter when a gentleman brought an action of this description against a lady." As the plaintiff's counsel stated that his object was not damages, it really seemed rather hard that the judge and jury should be forced to try the case. If the defendant had rejected the plaintiff without assigning any reason, except that she was tired of him, he would not have complained—at least not before a court of justice; but character is dear to those who do not value money. It seems that the young lady's father was labouring under a sense of his obligation to bring before the Court what he knew of the plaintiff's life and conduct, and so he persisted in refusing to withdraw the obnoxious plea. The plaintiff's counsel had got into the correspondence, when an energetic representation by the judge of the mischief to the defendant of her friends' obstinacy at last inclined them to a compromise, and the further progress of the case was stayed.

From the Bristol Assizes is reported the trial of an action brought against "The Bristol Bread and Flour Company, Limited," by their late secretary, for ten months' salary. It appeared that he had served them zealously during that time. "He was engaged from after breakfast till 1 or 2 o'clock next morning," in the advancement of the interests of a company which nevertheless appears to be verging on winding-up. The only trace of business done by it is the allowance of bread and flour for his family to the company's own manager. The people of Bristol seem to have been wanting in enthusiasm for the cause in which this energetic secretary went through such a long day's work. If, indeed, self-devotion could have established the "Bread and Flour Company, Limited," this secretary and the directors under whom he acted would have accomplished what they undertook. We read that there were seven directors who were entitled to divide among them the sum of thirty shillings by way of remuneration for attendance at each weekly board-meeting. Surely the duty of director of a public company was never before undertaken at the rate of less than five shillings a week! At a meeting of shareholders it was resolved to offer to the plaintiff the rather unsubstantial remuneration of one hundred paid-up shares. The jury gave him £200 in addition to £50 received on account.

The West India Incumbered Estates Act (17 & 18 Vict. c. 117), which was framed on the model of the Irish Act previously passed for the same purpose, has hitherto, except as regards two or three of the smaller islands, remained a dead letter. The cause of this is easily explained. Unlike the Irish Act the West India Act was not compulsory, but permissive in its character. It was left entirely to the discretion of the different colonies to adopt it or not, as their own Legislatures might determine. We can easily perceive, therefore, that such a measure would be regarded with no friendly eyes by that class in the colonies, and we fear it is a numerous and influential one, who are interested in maintaining the existing state of things. If all the heavily incumbered estates in the West Indies were brought to the hammer, as they ought to be, the profits of their managers would be most materially curtailed. It is this powerful interest which has hitherto rendered the West India Act all but inoperative. But we are glad to learn that it will remain so no longer. By the last mail from Jamaica, we hear that the Legislature of that important island has adopted the Act. It reflects great credit on that body to have done so, as in Jamaica, more, perhaps, than in any other colony, the interests opposed to the measure in question must have been numerous and strong. That fine island, from causes to which we need not now refer, has suffered more than any other from the effects of negro emancipation. It has more heavily incumbered estates than any other West India colony, and the transfer of a number of these to fresh owners will infuse both energy and capital into the island. This transfer will be effected expeditiously and cheaply by means of the court established in England for for the purpose, the business of which may be now expected steadily to increase. As our principal West India colony has of her own accord adopted the Incumbered Estates Act, it is probable that most, if not all, the others will, sooner or later, follow her example.

SIR JOHN TRELAWNEY'S AFFIRMATION BILL.

The Affirmation Bill of the member for Tavistock, the second reading of which was moved in the House of Commons on the 14th instant, proposes to remedy a striking imperfection in our judicial machinery. In the spirit of recent legislation on the subject of judicial evidence, it removes one more obstacle to the elucidation of truth. It facilitates considerably the access to justice by making one more breach in the barriers which have so long blocked up its avenues, and on which lawyers have inscribed the title of Competency of Witnesses. This end it attains by very simple means. It admits the evidence of a class of persons, not very numerous it is true, but who, as the law at present stands, however unimpeachable their moral conduct, however honourable their social position, however spotless their commercial integrity, because they refuse to bow to a religious sanction, are placed below the level of the convicted felon. Finally, it abolishes an anomalous distinction between the admissibility of *written* depositions and of *vivâ voce* testimony, occasioned by the fact that in the latter case only is an objection ever taken to a witness on the ground of his religious belief.

The progress of ideas in this country on the subject of oaths may be very briefly indicated. Two hundred and fifty years ago, the narrow-minded bigotry of the age led Lord Coke to decide that no evidence was admissible in a court of justice which was not fortified by oath and accompanied with a profession of Christian faith. A century later, in the Chancellorship of Lord Hardwicke, the sworn evidence of an unconverted Gentoo was admitted in a court of equity, after solemn argument before all the judges. More recently, judicial opinions have been expressed, to the effect that it is sufficient that the witness should avow his belief in an Avenger of falsehood. But the evidence of persons who, while declaring themselves to be Christians, refused on conscientious grounds to be sworn, was excluded for a much longer period. It was not till 1834 that any concession in this respect was made to the sects. In that year, Quakers, Moravians, and Separatists were permitted to make an affirmation in lieu of an oath. In 1854, the like privilege was extended to all who alleged

themselves to be actuated by conscientious motives, provided the Court was satisfied of the sincerity of the objection. No further relaxation has been introduced in favour of persons in this country who do not entertain the required religious convictions, except by the statute of the second year of the present reign, which is, in fact, only confirmatory of the previous dicta of Lord Hardwicke, and allows the administration of an oath "with such ceremonies as the witness may declare binding in cases where an oath may be lawfully administered." The evidence of those who do not acknowledge a superintending Providence is not rendered admissible by this statute, for no *oath* can be administered to him who refuses to acknowledge a religious sanction. It is the case of these persons, or rather of those who suffer by the present exclusion of their testimony, that Sir J. Trelawney's Bill is chiefly designed to meet, though it also seeks to carry out the suggestion of Mr. Bentham, and in effect to abolish judicial oaths altogether. In the wisdom of this latter portion of the Bill we cannot acquiesce. The main end of an oath is to guarantee the veracity of the witness, and so long as persons are found to attach importance to the religious ceremony, so long ought that ceremony to be kept up. Wherever the religious sanction is felt to exist, there is no reason why it should not be appealed to with advantage. And the solemn adjuration of the Divine Being serves another purpose. The language of a judicial witness should be more guarded and precise than is demanded by the usage of every-day life, and the oath which reminds us of our relation to a Higher Power has a powerful effect in producing veracity. But the question, whether the testimony of a witness who refuses to recognise any religious sanction ought on that account to be peremptorily excluded is not affected by the foregoing consideration, and it is to this part of Sir J. Trelawney's Bill that we wish to direct attention.

In every judicial investigation, one of the first objects of the Court is to procure evidence—the best, if it can be had, if not, the best that can be had. But the caution which requires *in all cases*, as a condition of admissibility, the presence of an oath, may obviously be pressed into the service of falsehood. Witnesses have been foresworn ere now, the combined force of the moral, the legal, and the religious sanctions, notwithstanding; and where is the security that the examinations on the *voir dire* will elicit religious convictions which the proffered witness really entertains? If he declines to make any definite statement, the Court has neither power to compel him to avow his religious belief nor to cross-examine him respecting it. The sworn depositions of those who have come in contact with him can alone be relied on in order to discredit his testimony, and it is plain that in many cases these will not be forthcoming. Let him, however, succeed in satisfying the judge on this preliminary inquiry and he will be enabled to claim credence for his statements, which but for the presence of the oath would not have been due to them.

Let us examine, on the other hand, the probability of falsehood which attaches to a witness who, on the ground of absence of religious belief, refuses to be sworn. It will be found to be of the slenderest possible description. Could he take any course better adapted to defeat his object? He declines to give the single guarantee of good faith that is asked of him. He offers his statements for what they are worth, uninvested with the garb of solemnity. He risks all the perils of cross-examination, but withholds the assurance required by the law, that what he says may be relied on.

While the evidence of such a person is absolutely rejected, the unsworn testimony of "barbarous, and uncivilized people in our colonies, destitute of a knowledge of God, or of any religious belief," has been rendered admissible by Act of Parliament, so that the exclusion enforced by the present rule must be regarded as a penalty inflicted on certain individuals. But the weight of the penalty, unfortunately, does not fall where it ought. For who is really injured by the exclusion of the proffered evidence? The proof of the innocence of the accused is often locked up in the breast of a single witness. But the witness disbelieves in a moral Governor of the Universe. Is the prisoner at the bar to suffer for the imperfect religious convictions of the only person who can exculpate him? Are the doubts of the unbeliever to be visited on the head of the orthodox Christian? Should the atheistical opinions of the one be allowed to operate to the prejudice of the other, who is in no way responsible for them? And this in order to satisfy an arbitrary rule of evidence, "*Non nisi juratis creditur!*"

Or take the case of a witness for the prosecution, who is subpœnaed to prove the guilt of an accomplice. He is reluctantly forced into the witness box, but he can effectually screen his partner in crime without fear of committal for contempt. Nothing is easier; the counsel for the prisoner desires that he should be questioned as to his religious belief—the answers are unsatisfactory, the Court is bound to pronounce him incompetent, and he is ordered to stand down. He does stand down, and he goes out laughing. We could mention stronger cases where the operation of the present law has been to confer impunity on crime—cases where young children, sole witnesses of their own wrongs, have been debarred from giving evidence against unnatural fathers, because those fathers had taken care that they should be entirely destitute of any definite religious ideas. But it is sufficient to glance at these instances, which anyone may easily multiply for himself.

The truth of the matter is, that the distinction hitherto taken between the *competency* and the *credibility* of a witness breaks down as soon as you begin to investigate it. Between competency and incompetency, indeed, the difference is indisputable, but it is a difference which has absolutely no meaning except in reference to a technical rule of law. A competent witness is one whose evidence is admissible in a court of justice, an incompetent witness is one whose evidence is rejected there, *by the rules of law existing at the moment when it is tendered.* But a witness who in conformity with those rules is rejected as incompetent may in many cases be more worthy of credit than one whose testimony is admitted. Thus an intoxicated person is incompetent as a witness; but the spontaneous utterances of one man whose powers of invention are paralysed by alcohol might conceivably be more trustworthy than those of another whose soberness enables him to carry out designs of premeditated falsehood. So the evidence of a child of too tender an age to understand the nature of an oath might, in a particular instance, be much more safely relied on than that of an adult on whom no oath has any binding effect. It is a presumption of law that every witness believes in a God, until his disbelief is established out of his own mouth or that of others; but it is just because it is *only a presumption of law* that his credibility ought to derive little weight from the circumstance. In all cases, it is the *credibility* of the witness that has in the last resort to be inquired into; and while no form should be discarded that is likely to conduce to the elucidation of truth, none should be retained in those cases where the test it supplies is an illusory one, or where it serves to exclude evidence which may be sifted by appropriate methods, and is often of capital importance.

THE SALMON FISHERY COMMISSION.

The supply of salmon in the rivers of Great Britain has for many years past been steadily diminishing, and a royal commission was appointed last autumn to inquire into the causes, and, if possible, to devise a

remedy. Their report as to the fisheries of England and Wales has recently been published, and the recommendations embodied in it are of a somewhat startling character. Their adoption would, no doubt, tend most materially to increase our native supplies of salmon. But there are difficulties in the way of a more formidable character than the commissioners appear to be aware of. We fear, indeed, that these difficulties will be found to be insurmountable.

The causes which have led to the steady diminution of our native supplies of salmon are, first, the growth of towns, and the increase of population in certain localities; and, secondly, the employment of an infinite variety of fixed engines, both in our rivers and upon our sea coasts, in the capture of this justly prized fish. It is obvious that as regards the first nothing can be done; for, as the commissioners in their report truly observe, "the interests of manufactures nationally considered must be deemed paramount to those of fisheries." But as regards the second the case is different. There is not the smallest doubt that the removal of all fixed engines employed in the capture of salmon in our rivers and upon our sea coasts would be followed by a large increase in the supply. But without a sweeping alteration in the law this cannot be done. Private property to a large amount would necessarily be destroyed by any such innovation, and Parliament would justly regard with suspicion any measure which promised such a result. But the commissioners have come to the conclusion that something of the kind must be done. The evidence they have heard from all parts of the kingdom induces them apparently to believe that some decisive steps must be taken if we would prevent the gradual diminution and the final disappearance of our home supplies of salmon. Before, however, adverting to the remedies proposed by the commissioners, let us see what statutes are now in force for the regulation of salmon fisheries in England and Wales, and whether or not these require alteration.

The Acts now in force are the 58 Geo. 3, c. 43, and the 6 & 7 Vict., c. 33. By these the magistrates of each county in quarter sessions are empowered to fix the seasons when it shall be lawful to capture salmon in their respective districts. This provision at first sight may appear a fair and prudent one, but in practice it has been found to work very badly. Our principal rivers often form the boundaries of different counties. The Severn, for example, intersects no less than four. A variety of different jurisdictions are thus created over the same river. The magistrates of each county which it touches in its course may, and often do, fix a different close time when all fishing is prohibited. It thus happens not only that different portions of the same river are subject to different rules, but where it separates two counties it may be lawful to fish upon one side while it is close time on the other. On some parts of the Severn it appears that this anomalous state of things now prevails.

The Commissioners propose that instead of leaving it to the local authorities to fix the close time in their respective counties, the Legislature should fix one uniform season for the whole kingdom. The evidence they have heard from all parts induces them to conclude that this arrangement would be a great improvement upon the present system. They recommend accordingly that the close season for salmon fishing throughout the kingdom should, except for rod fishing only, commence on the 1st of September and end on the 1st of February. They further recommend the formation of a central board similar to that which exists in Ireland, to be invested with the power of making bye-laws for the regulation of the salmon fisheries. They further recommend that under this board a local board of conservators should be appointed for each river, as is also the case in Ireland. The plan of the Commissioners, in short, is borrowed directly from that which was introduced into the sister island by the 11 & 12 Vict. c. 92.

But by far the most important of the recommendations of the Commissioners, is that in which they propose that "all fixed engines on the estuaries and sea coasts" should be suppressed. "These engines," they say, "with few exceptions, are of modern invention. Stake-nets have been scarcely known in England until within the last fifty years, and bag nets are still more recent, and they are opposed to the whole aim and spirit of the fishing laws, the object of which, as has been fully shown, was to secure to the salmon a free passage to and from the sea, and to cause an equitable distribution of them throughout the rivers. These engines are baneful to the fisheries, not only on account of the number of fish which they destroy, but also because they scare and drive them away to the sea, when they come in shoals seeking the rivers, thereby exposing them to be injured or destroyed in a variety of ways."

There are several other matters of detail which, in the opinion of the Commissioners, require alteration; but the passage we have quoted contains by far the most important of their recommendations. We need hardly add, that if it can be carried into effect, it cannot fail to add largely to our home supplies of salmon. But will Parliament sanction a measure of so sweeping a character? We very much doubt it. Whatever may have been the ancient policy of the law, there is no doubt that a good title can be shown in numerous instances to these fixed engines which it is now proposed wholly to sweep away. Their owners will not hesitate to denounce as confiscation in its most arbitrary form the recommendation of the Commissioners. We confess we do not see at present how this difficulty is to be overcome.

The English Law of Domicil.

(By Oliver Stephen Round, Esq., of Lincoln's-inn, *Barrister-at-law.*)

Chap. IX.

Of two equal Domicils.

Although it is generally easy to determine where a man has his domicil, so far as the possession of a house wherein he resides, is concerned, yet, as I have said in another place, it has happened more than once that an individual of wealthy means, and eccentric or wandering disposition, has possessed establishments in different countries of the globe at one and the same time. A case is barely within the limits of possibility where the circumstances are precisely similar in the case of two domicils; for as any one circumstance relating to either would be allowed to weigh either for or against it—this is not only an argument against a man having two domicils, but almost shows the impossibility of such a thing subsisting at all, independently of the view which the law might take of such a possibility. One of the most difficult cases coming under this head which has perhaps ever occurred was the case of *Forbes* v. *Forbes*, decided by Vice-Chancellor Wood, 1 Kay 341, and already adverted to, but even then, there were many circumstances which upon investigation greatly preponderated in favour of the English domicil, and that was decided to prevail at the time of the testator's death. In that case the testator had a mansion and estate in Scotland where he constantly resided, but at the same time possessed the lease of a house in London, and kept an establishment of servants, and also resided there from time to time; but still there were so many circumstances operating both ways, namely, the domicil of origin being Scotch, the position which the testator held in Scotland, and the duties he fulfilled there, as to make it extremely doubtful whether the domicil was

not Scotch, had it not been that his wife resided mainly in London, and his establishment in Scotland consisted of servants hired for the time only; and upon these two facts, but chiefly upon the first, the domicil was held to be English. In reference to this circumstance the case of *Warrender* v. *Warrender*, 2 Cl. & Fin. 536, was cited, in which the principle was recognised, that the wife's presence regulates the domicil, although rebutted by the circumstance of the parties being separate; but under ordinary circumstances, the place where the wife resides must certainly be looked upon as the "home" of the parties. In observing upon this principle, Vice-Chancellor Wood happily remarked that the wife must certainly be regarded as the tutelary genius of a man's house, and stand in the place of the *lares* of old; and it was considered on all the authorities as an almost decisive circumstance to determine the domicil, that it was the residence of the wife, she being, as it were, indivisible from the family and establishment. In cases of this kind, the slightest circumstance has weight, because, although slight in itself, yet, coupled with other facts, also, alone, equally slight; it may have in that way considerable influence, even retrospectively, in determining which of two domicils shall prevail. In such a case it is very doubtful whether domicil of origin would not, *simpliciter*, as such, have a preponderance, although the question rests on evidence which must necessarily vary in every case. In the case of *Lord* v. *Colvin* before referred to, the most voluminous evidence was pretty equally balanced, and domicil of origin was held to prevail. Although it seems to be assumed that length of time, or diuturnity of residence, as it is called, is alone sufficient to determine a domicil, yet in the case of two equal domicils, it is doubtful whether that would be so, inasmuch as a man might regard both as equally in the light of a home, chance circumstances only causing the residence in duration in the one to outweigh that in the other, and therefore, it appears to be necessary that more than one circumstance must be adduced to give a preference, although any circumstance going to show that the party considered one of the two his home, would of course guide the decision as to that one being the domicil. Upon the whole, we may conclude that in the case of two or more equal domicils, that is, both being residences, the fact of the wife residing, a fixed establishment of servants, spending the greater part of the year there, say the winter months, and using the other as a summer resort for change or recreation only, would be sufficient to determine in favour of one over the other, it not being possible to lay down any positive rule, except such as may be applied upon general principles. And where the circumstances are so balanced as to make it impossible to decide which was the preponderance, then the domicil of origin turns the scale.

In another place I have referred to the case of *The Inhabitants of Abington* v. *The Inhabitants of Bridgwater*, 23 Pickering American Reports, 170; and as to another point, but in the same case are some striking *dicta* relating to the question of two domicils to this effect. Two considerations must be kept steadily in view, first, that every person must have a domicil somewhere, and secondly, that a man can have only one domicil for one purpose, at one and the same time. Every one has a domicil of origin which he retains until he acquires another, and the one thus acquired is in like manner retained; and the supposition that a man can have two domicils would lead to the absurdest consequences. If he had two domicils within the limits of distant sovereign states in case of war, that which would be an act of imperative duty in one would make him a traitor to the other, as not only sovereigns, but all their subjects, collectively and individually, are put into a state of hostility by war. He would become an enemy to himself, and bound to commit hostilities, and afford protection to the same persons and property at the same time. But, suppose he was domiciled within two military districts of the same state, he would be bound to do personal service at two places at the same time, and in two countries, and he would be compellable on peril of attachment to serve on juries in two remote shire towns, or in two towns to do watch and ward in two different places; or suppose he was removed by a warrant to the place of his settlement or residence, it would follow that two sets of civil officers would be bound to remove him by force, each acting under a legal warrant; these are, therefore, rather *postulata* than propositions to be proved, yet they go far in furnishing a test by which the question may be tried in each particular case. It depends not upon proving particular facts, but whether all the facts and circumstances taken together tend to show that a man has his home or domicil in one place, and overbalance all the like proofs tending to establish it in another. Such an inquiry, therefore, enables a comparison of proofs, and in making that comparison there are some facts which the law deems decisive, unless controlled and corrected by others still more stringent. It will be seen by these observations what the view taken by the American judges is of the possibility of two subsisting domicils; and it seems to me that they are of considerable value.

Chap. X.

The Effect which Domicil has in respect of Foreign Contracts.

Inasmuch as the law of domicil operates upon foreigners as well as natural born subjects of a state, it becomes a matter of some importance to consider what effect the acts of a party domiciled in another country would have in this country, or upon the continent. This question would generally have its origin in acts of a mixed character, that is, where part of such acts came within the foreign law, and part within the law of the place of domicil. Suppose a person domiciled in England (for it is with reference to the view *our* law takes that this question is discussed) goes abroad, but without losing the English domicil, and does acts, partly according to the law of the country where he or she then is, and partly according to our law; if the acts done according to the foreign law are connected with and depend upon the acts done according to the English law, a court of equity in this country will hold the foreign acts binding according to the law of that country; and personal property belonging to a party domiciled in England will be administered by English courts of equity, although dealt with by instruments invalid according to the foreign law of the country in which the instrument is made; that is, the law of this country will both take cognizance of and act upon contracts entered into in a foreign form by a party domiciled in England, and carry out all other acts not recognized by the law of a foreign country, but in the English form. This question was argued in the case of *Este* v. *Smyth*, 18 Jur. 300; 2 W. R. 148, before the present Master of the Rolls. In that case a marriage took place in Paris according to the English form; both parties being domiciled in England, and a contract was entered into to settle property, partly charged on real estates in England, and in the French form and language. Each party contributed to the amount settled, which was to be held in common according to the custom of Paris, which the parties agreed should prevail with respect to it, wherever they should happen to reside. It was also agreed that the surplus of what should belong to each of them, together with whatever should come to them, whether moveable or immoveable during the coverture, should belong to the said intended husband and wife respectively *biens personnels*, *i.e.*, to their separate use. Between the date of the contract, and the time of the marriage the *Code*

Napoleon was promulgated, and it was admitted that it came within the terms of that code. The parties very shortly separated, and the wife made a will in the English form expressed to be "in pursuance of all powers enabling her in that behalf" giving legacies, and the residue to the plaintiff, and died, and the will was proved in Canterbury (*vide Este* v. *Este*, 3 Robertson 351;) some of the property settled was raisable by trustees, but in consequence of the opposition of the husband they refused to raise it, and this Bill was filed in consequence, and the questions were, first, whether, there being no valid marriage by the law of France, the contract made in contemplation of a French marriage was or was not subsisting; and whether the husband was entitled to the wife's personal property under his marital right? Or, in the alternative, whether, supposing the contract valid, it gave the wife power to dispose of her property in the English form? The opinions of eminent French *avocats* were taken on these questions. The *Master of the Rolls* thought that the parties were competent, in anticipation of an English marriage, to contract that their rights should be regulated by the laws of any country they chose; but that the effect of the contract upon French property was not within the jurisdiction of the court to decide. He then considered the effect of the contract, with reference to the English property, and construed it according to the French law, and declared the will valid inasmuch as it had been proved in England, and therefore declared valid by a competent court. The summary of this part of the subject is, that a domicil puts the party in possession of exactly the same rights as a natural born subject would have, and the domicil is a sufficient substratum to enable the enforcement of contracts, not only in the form and according to the law of the country where the domicil exists, but of any other country where the domiciled party may be temporarily residing. The case of *De Vernè* v. *Routledge*, Sirey's (French) Reports, 1852, is in point on this question upon this part of the subject, and will be found extracted in the case of *Bremer* v. *Bremer*, 1 Deane. Eccles. 200. The 13th article of the Code Napoleon is as follows:—"L'etranger qui aura été admis pour le Gouvernement à établir son domicile en France y jouira de tous les droits civils tout qu'il continuera d'y resider." That is, a stranger receiving the authorization of the Government, and establishing a domicil in France, can enjoy all civil rights, including of course the power of executing legal documents. Demolombe's *Cours de Code Civil*, p. 143-4; *Code Napoleon*, 319. In the case of *Watts* v. *Shrimpton*, 21 Beav. 97, an Englishwoman had married a domiciled Frenchman, and articles were executed in the English form previously to the marriage, under which the wife was entitled to £200 *per annum*. The husband afterwards separated from her, and the French court condemned her for adultery, and it was held that the contract of marriage was English, and the rights of the parties were to be regulated by the English law, and further that the property of the wife having fallen into possession, and the moral conduct of both parties being reprehensible, the income of the fund must be equally divided between them. It must be confessed that this case is somewhat singular in its principle; for it recognizes the contract, marriage, &c., as English, and yet adjudicates upon the breach of it, according to the French law, and further than that proceeds as to the decision of the case, both on the assumption of the marriage as valid according to the English law, and the offence of the wife according to the French; and then sums up all by taking into consideration the conduct of both parties, from which the conclusion is unavoidable that where a native of England marries a person domiciled in France, and the marriage and its concomitants are according to the English law, not only will the French law recognize the English marriage as binding, and punish for an offence in breach of its obligations, but the English courts will adjudicate upon the footing of the judgment of the French courts as to the adultery; and also take into consideration extraneous circumstances. It is not difficult, however, to see upon what reasoning the French law proceeds, namely, that for the purpose of merely trying the question of adultery, the fact is distinct from the marriage, although it recognizes a foreign contract as binding upon a domiciled subject of France, by implication, inasmuch as it condemns the other party for infidelity, which it could not do without assuming the marriage as valid. The *Code Civile* is a perfect model of simplicity and perspicuity, and yet cases and authorities have so multiplied that I believe the French law is now admitted to be in a most unsatisfactory condition, and this is somewhat embarrassing, because, for some purposes it is impossible to avoid recognizing foreign contracts made with a British subject; for, of course, to do otherwise would be seriously to affect moral relations, where innocent parties are concerned, which no system of laws, founded on equitable principles, would for a moment sanction. I think, there can be no doubt that a marriage solemnized according to the law of the native country of one of the parties is binding upon both, and that would extend to all contracts made between them in good faith, and without anything to render them inequitable, and the authorities show that the domicil of a party, though merged in that of the other party by a foreign contract, yet will so far be recognized as to uphold a contract made according to the laws of the country of which the party so losing the domicil is a native, except so far as the laws of that country considered the party under disability by reason of coverture, conviction, infancy, or incapacity. In the case of *Strathmore* v. *Bowes*, 4 Wils. & Shaw, App. 89, it was not questioned that where a man's domicil was Scotch, if he did acts in England which would amount to a legal marriage, if he were then in Scotland, and his domicil was Scotch at his death, the marriage was legal. In that case the question was whether a child was legitimate so as to inherit a title, which I take as distinct from the general question of legitimacy for any other purpose, because it was distinctly held in exactly the same circumstances that a child would be legitimate, *Robins* v. *Paxton*, 6 W. R. 457.

Upon the general state of law as existing between us and our continental neighbours, it may not be superfluous to quote some observations which appeared in a French journal of September 1857, with reference to the "legal status of an Englishman in France.—With reference to a case—that of *Parkinson* v. *Bedane*—which has lately come before the civil tribunal at Paris, the plaintiff's solicitor, Mr. Margary, addresses to *Galignani's Messenger* the following general statement of the existing law:—"Great facilities are given by the law of France for the arrest of a foreigner when the creditor is a Frenchman, and many an unfortunate Englishman has been incarcerated upon overdue bills of exchange (often obtained from him fraudulently) endorsed to a Frenchman. As, however, in the majority of cases the party is not a *bonâ fide* holder for valuable consideration, but merely a man of straw who lends his name for the occasion (technically called a *prête nom*), the debtor generally succeeds in obtaining his liberation on showing to the court the real nature of the transaction, and getting the arrest declared illegal. This, however, requires some time to effect, as, if he succeeds in the *Tribunal de Commerce*, the nominal creditor appeals to the *Cour Impériale*, and months elapse before a final judgment can be obtained. In the meantime the unfortunate debtor must remain in prison, unless he can deposit the amount claimed in the *Ciasse des Consignations*, or give bail; and, as the surety is not only answerable, as in England, for the

appearance of the debtor, but also for the payment of the debt and costs in case judgment is given against him and he is unable to meet the demand, it is almost impossible for a foreigner to find a substantial person willing to undertake responsibility. In England no distinction is made as to liability to arrest between a British subject and a foreigner, as neither can be arrested on mesne process (that is, before judgment), unless the creditor can prove, to the satisfaction of a judge, that the debtor intends to leave the country. Art. 11, tit. 1, liv. 1, of the Code Napoleon says:—'L'étranger jouira en France des mêmes droits civils que ceux qui sont ou seront accordés aux Francais par les traités de la nation à laquelle cet étranger appartiendra.' It is not, however, sufficient that certain rights are accorded to Frenchmen by the laws of a foreign country for the subjects of that country to enjoy the same privileges in France, the reciprocity must be expressly stipulated for by treaty (see Rogron's note on this article in his *Code Civil Expliqué*). Now, no treaty exists which puts Frenchmen in England, and Englishmen in France, upon an equality as to arrest for debt, the former enjoying in England the same privilege in that respect as a British subject purely and simply by the law of the land. It strikes me, however, that if the case were brought officially to the notice of the French Government they would admit the equity of the claim of British subjects to enjoy in France the same privileges as the law of England accords to Frenchmen in that country, and the cordial alliance which now exists between the two nations, the high sense of justice of the Emperor of the French, and the well-known zeal of our ambassador at Paris, seem to render the present moment peculiarly favourable for obtaining the desired object."

(*To be continued.*)

The Courts, Appointments, Promotions, Vacancies, &c.

OXFORD CIRCUIT.—Gloucester.

The commission was opened in this town on the 2nd instant by Mr. Justice Blackburn. The cause list contained an entry of twenty-two causes, seven of which were marked for special juries.

Monmouth.

The commission was opened in this town by Mr. Baron Wilde on the 28th ult. The cause list contains an entry of only five causes.

WESTERN CIRCUIT.—Bristol.

The commission was opened in this city by Mr. Baron Martin on the 28th ult. There were 15 causes entered for trial.

NORTH WALES AND CHESTER CIRCUIT.—Chester.

Mr. Baron Channell opened the commission in this city on the 31st ult. The civil list contained only 9 entries.

MIDDLESEX SESSIONS.

The April quarter sessions commenced on the 1st inst. at Clerkenwell, before Mr. Bodkin, assistant judge, Mr. Payne, deputy, Mr. Pownall, chairman of the bench, and a large number of justices.

The calendar was somewhat heavy.

It is rumoured that Mr. Frederick Dawes Danvers, the clerk of the council and registrar of the Duchy of Lancaster has retired, and that Mr. J. H. Gooch, the chief assistant in the office, will succeed him.

Mr. James Consedine, of No. 58, Pall-Mall, has been appointed a commissioner to administer oaths in the Courts of Queen's Bench and Common Pleas.

Mr. George Kirby, of Bicester, Oxford, has been appointed a commissioner to administer oaths in the High Court of Chancery in England.

Recent Decisions.

REAL PROPERTY AND CONVEYANCING.

Restriction of General Power of Appointment to Objects Contemplated by Settlement.

Peover v. *Hassall*, V. C. W., 9 W. R. 399.—*Eland* v. *Baker*, M. R., 9 W. R. 444.

The first of the above cases raised the difficult and important question, whether, seeing that the purposes and objects of marriage settlements are obviously to provide for children, any words, however large, purporting to give power to either parent to deal with the settled property in disherison of the children, can be read in any other way than for the benefit of the children. In dealing with this question Vice-Chancellor Wood bestowed a good deal of consideration on the case of *Bristow* v. *Warde*, 2 Ves. Jun. 336. In that case the question was not between children and strangers, but between children and more remote issue, and further the power to which the Court gave a limited construction was contained in pre-nuptial articles and not in a formal deed. By the articles a money fund was agreed to be settled upon trust for the husband for the joint lives of him and his wife; and if he should die first leaving issue by her, for the wife for life; and after her decease to apply the capital in such manner as he should appoint; and in default of appointment to divide the same among the issue equally at twenty-one, with maintenance and survivorship. After the marriage an estate purchased with the fund was settled upon the husband for the joint lives of him and his wife; remainder to trustees, to preserve, &c.; remainder, in case of his death first without issue, to certain uses; remainder, in case of his death first leaving any child or children, to the wife for life; remainder to all the child or children in such shares as the husband should appoint; for want of appointment equally in tail with cross remainders; remainder to the heirs of the husband. The husband died leaving the wife surviving, and having by his will appointed shares to children for life with remainder to their children as they should appoint. It was held that this was an excess of power. Lord Loughborough in giving judgment said, "The first consideration is, what is the construction of the articles? I was at first struck with the idea that was urged that the extent of the articles gave him a larger power than the settlement afterwards made, purporting to be in pursuance of the articles, had left him. But it is clear upon the articles he had no more power under them than what he took to himself under the settlement executed with regard to the bulk of the money. The articles were made in order to secure a provision for the intended wife, and the issue of the marriage. That is the object of all marriage articles. . . . But it was contended that the power here is indefinite as to its objects. It would be a forced construction of articles to hold that a provision to be made for children, in default of appointment to be equally distributable, in the case of, an appointment, should be subject to his debts; which would be the necessary consequence of holding that he had an indefinite power of appointing, only providing for the jointure of the wife; for if he had that indefinite power, it would be assets; he might appoint to any one; his creditors could affect it; and if he executed his power for the children, the children must take it subject to the debts of their father. It is not the natural frame of such a settlement, nor is it the construction of the words of this. It is clear the power of appointment is not indefinite, but is confined to the issue." His Lordship then went on to consider whether the word "issue" in the articles had a larger extent than "children" in the settlement; and he decided that it had not. "I am unable," he said, "to extend the construction of either the settlement or the articles beyond the children." It seemed desirable to give this full extract from the judgment of Lord Loughborough, because it has occasioned difficulty to Sir L. Shadwell, to Lord St. Leonards and to Vice-Chancellor Wood. The last-named learned judge remarks upon it that the circumstances of the case were extremely strong in favour of the decision; but that Lord Loughborough "could not be considered as laying down any general rule that, however large the words of the power in a marriage settlement, they could only be construed for the benefit of the children."

Another instance in which the generality of a power was restrained by regard to the context of the settlement and to the circumstances is to be found in the Irish case of *Cooke* v. *Briscoe* (1 Dru. & Walsh 596). In that case a person on his second marriage executed a deed of settlement, whereby certain lands were vested in trustees to the use of the settlor for life; then to secure a jointure for his intended wife; and subject

thereto to the use of the first and every other son of the settlor by his intended wife; with a proviso that if the settlor should have more than one son he should have full power and authority by deed or will to prefer such son or sons to the whole or part of the settled lands, subject to the jointure for his said wife, and also subject to all such sums of money not exceeding £4,000 as the settlor might think proper to charge thereon by deed or will. The settlor executed this power, and charged the lands with the sum of £4.000 in favour of the children of his former marriage. Lord Chancellor Sugden, in giving judgment, said, that "the instrument before him was very clumsily and inaccurately framed; but it was quite clear that the power of charging the £4,000 could arise only in the event of there being more than one son of the intended marriage, and one of such sons being in possession of the whole or part of the lands by virtue of the powers of preferring such son or sons reserved to the father. The words of the deed were directly to this effect, and the object of the settlement would be defeated by giving them the construction contended for by the plaintiff; inasmuch as the lands were not worth more than £4,000, and so the eldest son of the marriage would be left, in the event of there being more than one son, without any certain provision. The construction relied on by the defendant was therefore sustained by the words of the deed. It also appeared more rational than that contended for by the plaintiff; for if the eldest son became liable to be displaced by the birth of a second son, and the provision intended for him by the marriage-settlement so far liable to be defeated, it would not be unreasonable to enable the father to make a provision for the eldest son so displaced by charging a sum not exceeding the value of the inheritance; and though the settlement did not secure that the power so given to the father should be exercised in the whole or in part in favour of the eldest son, yet it left the father at liberty to make provision for him and for the other branches of the family. However this might be, the words of the settlement clearly confined the power to the event of another son or sons of the said marriage being born, and in possession by virtue of the power of preferring reserved in that event to the father; and there being now no younger son, and the power not having been effectually exercised by giving a preference to any of them while they were in existence, the plaintiff's claim could not be sustained." Vice-Chancellor Wood remarked upon this case that it "required much consideration." The effect of it appears to be that the state of circumstances had not arisen under which the power was to become exercisable, because there was only one son of the second marriage, who survived the father. But if there had been more than one son, then it seems that the power would have been well exercised, although the money raised under it might have been given to the children of the first marriage. Thus the existence of a second family was necessary to the exercise of the power, and yet it was not necessary that the power should be exercised for their benefit. The case, so far as it goes, seems to be an authority for holding that the words of a power may be too large to be controlled by the general intention in favour of children prevailing in marriage settlements. The report, however, is not very intelligible, and the settlement is a miracle of blundering.

In the case of *Peover* v *Hassall*, an estate was settled to the use of the wife and husband successively for life, and after the death of the survivor, if there should be any children or issue living of the marriage, to such uses as the husband should appoint; in default of appointment to the children as tenants in common in tail; in default of all such issue to such uses as the wife should appoint, and in default of appointment to her right heirs. Children were born of the marriage and survived their parents. Those parents appointed and conveyed to a mortgagee who (the parents being now dead) sought to foreclose the children. Vice-Chancellor Wood observed that the words of this power were as large as possible, and that it might have been so framed out of confidence reposed in the husband. He considered that *Bristow* v. *Warde* had not a general application, and he also took the distinction between a question arising upon articles and upon an executed deed. In the absence of any general principle by which such words as those before him could be cut down, he held that the interests of the children had been displaced by the exercise of the power.

The case of *Eland* v. *Baker*, before the Master of the Rolls, contains some expressions which contrast strongly with the above reasoning, although we do not apprehend that there would be any difficulty in reconciling the two decisions. By the settlement which came in question in that case, freehold and other property was conveyed by the wife's father upon trust for the wife and husband successively for life, and then for the children according to appointment, and in default, equally. The settlement contained a power to the wife's father, the husband and wife, and after the death of the wife's father, to the husband and wife jointly, with the consent of the trustees, to revoke all the uses of the settlement and to declare new uses. This power was expressed in general terms. The husband afterwards borrowed a sum of money of one of the trustees upon the security of a deed, whereby the wife's father, the husband and wife, with the consent of all the trustees, revoked the uses of the settlement (so far as was necessary for the purpose of that deed) and appointed the property to the lending trustee by way of mortgage with power of sale. A purchaser under this power of sale objected that the mortgage deed disclosed a breach of trust, and the Master of the Rolls refused to compel him to take the title. His Honour thought that a mere power of revocation of all the uses, so as to give back the whole to the settlor, might, perhaps, have been validly exercised. But the deed went on to authorise the limitation of new uses. "How must the estate be relimited? To what trusts and with what declarations? To trusts for the benefit of the persons who are the *cestuis que trust* of the instrument according to the true scope and intention of the deed itself." These words of the Master of the Rolls certainly do not fall far short of enunciating that very principle which Vice-Chancellor Wood could not find in the authorities brought before him. There is, however, this important feature in the case at the Rolls, that the consent of the trustees was necessary to the revocation and new appointment. It may fairly be said that the discretion of the trustees is to be exercised for the benefit of their *cestuis que trust*, and not for the destruction of their interests. Still trustees are, so to speak, the machinery of a marriage-settlement; and if trustees must act for the protection and not for the impoverishment of the issue of the marriage, may it not be said with equal justice that the operation of the settlement itself ought to be limited by the same principle? The Master of the Rolls went on to notice that the trustee himself was the person who advanced the money; that he bought the estate (for a mortgage was the same, in principle, as a sale); and that he exercised his discretion for the purpose of getting the estate himself, although paying for it. Upon this latter ground of the trustee himself becoming the mortgagee, probably no lawyer will doubt the soundness of the decision which refused to force the title on a purchaser.

COMMON LAW.

Law of Execution—Effect of a Ca. sa.—Action against a Garnishee.

Joralde v. *Parker*, Exch., 9 W. R. 347.

The point established here has often been raised at chambers, and has there invariably been decided in the same way as it has now been settled by the Full Court. It arises under the garnishee clauses of the Common Law Procedure Act, 1854, by which a plaintiff is enabled to seize or attach any of the execution debtor's available assets—that is to say, the debts which are owed to him by a third party; and under which, to allow him to make such debts available, the plaintiff may sue such third party (or garnishee) himself. The present case, however, shows that proceeding against the garnishee will be of no avail if the debt owing to the defendant in the original action has become extinguished; or even if the remedy therefor has become barred. For here, the original defendant had already taken the garnishee in execution for the debt attached; and a plea by the garnishee, alleging this fact as an answer to the action brought against him by the plaintiff in the original proceedings, was, on demurrer, held good by the Court without calling upon the counsel, relying on such plea to support it. The principle of law decisive of the point will be found in *Burnaby's Case* (1 Str. 653), to the effect that to take the body of a debtor in execution satisfies the debt in point of law, For if a debt owing to A. be satisfied as regards A., it cannot of course be revived in favour of B.

Liability of Master to Servant—Case of *Priestley* v. *Fowler* considered.

Riley v. *Baxendale*, Exch., 9 W. R. 347; *Holmes* v. *Clark* *ib.* 419.

There are, probably, few single decisions which have laid the foundation for so much litigation as the well known one of *Priestley* v. *Fowler* (3 Mee. & W. 1). The proposition established by it was to the effect that (as the general rule, and

subject to the exceptions to which we are about to refer), a servant takes upon himself the risks of his employment, and cannot hold the master responsible if an injury should happen to the servant in the course of, and consequent upon, the service. It is strange that such an important principle as this should have for the first time been judicially recognised in the year 1837. But such appears to be the fact. In that case not a single authority was cited, either by the bench or at the bar; and, indeed, the Chief Baron, in commenting upon it with reference to the last of the two cases mentioned above, observes that it was one "of the first impression, and which has given rise to what may be almost now called a new branch of the law." But it often happens that a broad proposition of law thus laid down, shortly becomes the foundation of a numerous crop of decisions extending or limiting its applicability; and such has been the event with respect to the decision in *Priestley* v. *Fowler*. For in the first place, it has been settled that the rule does not prevent a master from being liable, if he causes the hurt complained of by his personal negligence or interference (see *Robert* v. *Smith*, 2 H. & N. 213). It also appears to be established that the master may be liable if the injury has been the result of his not having taken due care to expose his servant to no unreasonable risk (see *Marshall* v. *Steward*, H. of L. March, 1855, cited in "Broom's Com. on the Com. Law," 2nd ed. p. 686), and both of the cases to which the present remarks refer are illustrative of this qualification of the rule; for in both of them, the action was brought by a servant against his master for an injury received by defective machinery; and though in one of them the action failed, in the other case the servant succeeded in keeping a verdict he obtained for large damages.

Many of the facts in these two cases were the same. In both the injury was caused by machinery, which, though sufficient for its purpose at the time of the plaintiff entering the defendant's service, became afterwards unsafe, and was allowed by the master to remain in that condition. But in the first case, the servant appears to have made no complaint, but to have continued in his employment, notwithstanding the danger to which he must have known himself exposed. In *Holmes* v. *Clark*, on the contrary, the servant did complain more than once, and received a promise that the defective machinery should be remedied. In this appears to be the essential difference between the equity of the two cases; but (as sometimes happens) they were decided on technical grounds rather than on considerations of justice as between the individual litigants. For in *Riley* v. *Baxendale*, since there was no complaint made, nor any personal negligence or inteference on the part of the master, the plaintiff endeavoured to help out his case by framing his declaration as upon a contract on the part of the defendant not to expose him (the defendant) to any extraordinary danger in the course of his employment; but at the trial nothing beyond an ordinary hiring could be proved, and he was accordingly nonsuited. No application was made at the trial to amend the declaration by striking out the allegation as to the special terms of hiring; but at the argument with respect to setting aside the nonsuit, it was intimated by all the Court that such an amendment, had it been applied for, would not have been granted; and that no encouragement would be given to attempt to multiply the cases in which masters are responsible to their servants for injuries received by them in the course of their employ—in other words, to weaken the rule laid down in *Priestly* v. *Fowler* by introducing unnecessary qualifications.

But in *Holmes* v. *Clark* the same Court gave judgment for the plaintiff, because a qualification of the rule seemed, under the circumstances, necessary. There had, indeed, been no express terms of hiring; but the defendant had not only been guilty of disregarding certain precautions required by Act of Parliament with regard to the machinery used, but had continued to work it while unsafe and after being remonstrated with by the plaintiff, and after having engaged to remedy the evil complained of. And the accident having happened before this pledge had been redeemed, and without any negligence on the part of the servant, the Court held the action to be maintainable—holding that, under the circumstances, the master must be considered as having taken the risk upon himself until he chose to repair the defective machinery.

Correspondence.

REGISTRY OF JUDGMENTS.

I have a judgment which was entered up and registered nearly five years before the passing of the Act of last session to further amend the law of property. The five years have now expired, and I have re-registered it; and such re-registration is, I presume, sufficient to continue the judgment as a charge upon my debtor's freehold property.

I want, also, to charge his leasehold property, and have issued a writ of execution for that purpose. On tendering it, however, for registry in the register of executions established under the above-mentioned Act of last session, the officer refuses to register it there, on the ground that he is instructed not to enter in it executions upon judgments which were entered up prior to the passing of the aforesaid Act of last session.

What am I to do in order to bind my debtor's leasehold property? Must I actually lodge the writ in the sheriff's hands? I fear that since the decision in *Westbrook* v. *Blythe*, 3 El. & Bl. 737, and the refusal to enter it in the register of executions, I have no alternative.

Can some of your learned contributors who have furnished valuable articles on the subject of judgments, enlighten me and some of my fellow practitioners, who are in the same difficulty with myself, on the point?

Will you permit me to ask, at the same time, whether any effectual steps have been taken to remedy the blunder in sect. 2 of the before-mentioned Act of last session, which requires the registry of executions to be kept in the plaintiffs' names, and in alphabetical order (instead of in the defendants' names)? In consequence of which I am obliged now, in order to ascertain whether a writ of execution has issued against a particular debtor, to search the register of executions from beginning to end in the name of every one of the *plaintiffs*, in which I am not much, if at all, assisted by the fact of their being in alphabetical order.

A Solicitor.

London, April 4.

CRIMINAL PROSECUTIONS—REMUNERATION TO ATTORNEYS.

Seeing a paragraph in your last number on the remuneration to witnesses, I am induced to give you an account of the fee I received for the labour done for conducting a prosecution for murder at the Exeter assizes some short time since.

I had eight witnesses, and the case gave me some considerable trouble in getting up. I prepared *two* briefs, 16 sheets each, expecting that I should be allowed to employ two counsel; but I found that I should be allowed for one only, so one brief was not used. I prepared and sent by post to the Clerk of Indictments instructions for indictment. I travelled 60 miles to the assize town and back and attended the court for four days preparing for the trial and attending the same, —and for the whole of my professional services I was rewarded by the Court with two guineas only!

Who will conduct a prosecution after this?

A Devonshire Attorney.

EXAMINATION OF ARTICLED CLERKS.

The importance of the above subject, both to those who have been already admitted members of the legal profession and also to those who purpose so to be, induces me, as one of the latter class, to trespass shortly on your valuable space, for the purpose of enabling me to make a few remarks upon two letters that appeared under the same heading in your last week's impression. The first of these is signed "An Articled Clerk," and the writer, after telling us that his remarks are "necessarily interested," goes on to state that he has been a clerk for eighteen years, a managing clerk for the last nine, and has just commenced his service under articles. He then enumerates many weighty and important matters in which he has been latterly engaged; and concludes the first part of his letter by appealing to the great confidence reposed in him both by clients and employer. He next informs us that he was brought up in "a remote inland county," where, twenty years ago, parents thought next to nothing of a classical education; and that, notwithstanding his alleged success in business, he went to the office totally ignorant of either ancient or modern languages, knowing nothing of mathematics, and, in his own words, "acquainted with nothing more than the rudiments of a very limited English education;" and, as though to clear up all doubts as to his present attainments, he finally tells us that since that time he has had no opportunity of improving himself with regard to these (probably in his opinion) unimportant matters. Then comes a great deal about the hardships and unfairness of requiring a classical examination from a gentleman of his unquestionable legal attainments, and, according to his own showing, equally undoubted general ignorance.

But the answer to this bitter complaint of the injustice of the proposed examination is simply this, that this gentleman,

in common with all others recently articled, knew perfectly well when he signed his articles a few months ago that an examination in general knowledge was pending, and had been called for by the almost unanimous voice of the profession; and if he did not feel equal to the trial he should have been contented to remain a managing clerk; which position seems to me to suit him exactly, and which, by his own confession, he fills so entirely to his own and others' satisfaction.

And if this reply fails to convince your correspondent of the absurdity of his quarrel, I would ask your readers whether they think that the admission of a gentleman of the above capabilities would be likely to be, directly, a benefit to the profession, or, indirectly, would tend to raise its tone by inducing gentlemen of education and position to enter it?

To the writer of the second letter, who signs himself X. Y. Z., I only say that probably a second perusal of the report of the committee of the Incorporated Law Society will convince him that neither Greek nor German are absolutely necessary requirements to enable him to pass the proposed examination, and that they will only be expected from those candidates who fail in other and less difficult subjects.

April 4. ANOTHER ARTICLED CLERK.

Review.

The Law List for 1861. *Compiled by* WILLIAM WILKS DALBIAC, *of the Inland Revenue Office, Registrar of Certificates.* London: V. & R. Stevens & Sons.

Since the passing of the 23 & 24 Vict. c. 127, this work has become of considerable importance to the profession. By section 22 of that Act it is enacted that "Any list of attorneys, solicitors, and conveyancers, purporting to be published by the authority of the Commissioners of Inland Revenue, and to contain the names of attorneys, solicitors, and conveyancers who have obtained stamped certificates for the current year on or before the 1st day of January in the same year, shall, until the contrary be made to appear, be evidence in all courts, and before all justices of the peace and others, that the persons named therein as attorneys, solicitors, or conveyancers holding such certificates as aforesaid for the current year, are attorneys, solicitors, or conveyancers holding such certificates; and the absence of the name of any person from such list, shall, until the contrary be made to appear, be evidence as aforesaid, that such person is not qualified to practise as an attorney, solicitor, or conveyancer, under a certificate for the current year; but in the case of any person being an attorney or solicitor whose name does not appear in such list, an extract from the Roll of Attorneys and Solicitors kept by the registrar certified under the hand of the secretary of the Incorporated Law Society (while such society performs the duties of registrar), or of the registrar for the time being, shall be evidence as aforesaid of the facts appearing in such extract; and in the case of any person being a conveyancer whose name does not appear in such list, the fact of his being so shall be proved in the way in which it is now by law required to be proved."

In addition to that portion of the work usually supplied by the registrar of stamped certificates, the compiler has introduced much useful information upon many subjects interesting to the profession. Among the most important additions we observe that the date of the admission of each attorney, proctor, and notary has been prefixed to his name. So far as the public is concerned, this new feature may not be of much value; but it will often be convenient for purposes of professional intercourse. A complete alphabetical list of the London commissioners to administer oaths in Chancery, the Queen's Bench, Common Pleas, and Exchequer, has also been added. This has long been a desideratum, and will prove of the greatest convenience to the profession. We have frequently had the subject brought under our notice, and intended at a convenient opportunity to have published a similar list. We are happy, however, to find that the necessity for our labour in that respect has been superseded by the work now under notice.

Ireland.

RECENT DEATHS.

The Right Hon. Richard Wilson Greene, whose death was announced last week, was for many years one of the Barons of the Court of Exchequer, and had only retired from the active duties of that position a few months before the disorder under which he had long suffered terminated his life. The ex-baron was born about the year 1791, and was called to the Bar in 1814, and after passing through the grades of Serjeant-at-Law and Solicitor-General, became the leader in the Court of Chancery, and in 1852 was deservedly promoted to the bench by Lord Derby. Baron Greene's connection with the law was hereditary, his father, Sir Jonas Greene, having been Recorder of Dublin. He was regarded as a deeply-read lawyer, and a very able and painstaking judge, and has left behind him few judicial personages who are so thoroughly respected by the bar and the public. In private life he was singularly amiable, and of a most retiring disposition. The last time that the present writer saw Baron Greene, the subject of conversation was the duration of life in the several professions, suggested by an article that had appeared in one of the reviews; and he discussed the topic with all the manner of a man who was near the close of a well-spent life, and regarded its termination with a hopeful tranquillity. A large concourse of judicial and legal personages were present at his interment in the family vault attached to St. Peter's Church, Dublin.

Sir Matthew Barrington, Baronet, of Glenstal Castle, who died on the 31st of March, at the residence of his son-in-law, in Pembroke-street, was undoubtedly for a quarter of a century one of the leading solicitors in Ireland. The firm of Barrington, Jeffers, & Co., of which he was the head, had conducted the legal business of the Great Southern and Western Railway, and of several branch and other railways, from their very commencement; and had prepared and carried through far more railway bills than any other Irish firm. In addition to these engagements, the deceased baronet had at an early age been so fortunate as to obtain the very lucrative appointment of Crown Solicitor on the Munster Circuit, an office worth two or three thousand a-year, but which will in future be superseded by the nomination of separate Crown solicitors for the several counties. Sir M. Barrington died at the age of 71, and is succeeded in his title, and in his estates in the county of Limerick, by his eldest son W. H. Barrington.

The death is also announced of Mr. Felton F. W. Harvey, her Majesty's Inspector of Irish Prisons, formerly captain in the 13th Light Dragoons. This much-respected gentleman was son-in-law to Acheson Lyle (lately a master in chancery), and has been prematurely taken away at the age of thirty-five.

Public Companies.

REPORTS AND MEETINGS.

GREAT NORTH OF SCOTLAND RAILWAY.

The directors of this company, by their report, recommend that a dividend at the rate of 6½ per cent. be declared on the preference stock, and of 6½ per cent. on the original stock. This will leave a balance of £1,536 to be carried forward.

PERTH AND DUNKELD RAILWAY.

At the half-yearly meeting of this company, held on the 30th ult., a dividend of 2½ per cent. was declared on the issued capital of the company.

Births, Marriages, and Deaths.

BIRTHS.

FREELING—On March 31, the wife of Charles Rivers Freeling, Esq., of a daughter.

INNES—On April 3, at Edinburgh, the wife of John B. Innes, Esq., writer to the Signet, of a daughter.

WOOD—On March 27, the wife of Thomas Lett Wood, Esq., Barrister-at-Law, of a daughter.

MARRIAGES.

BARRELL—ELLIS—On March 26, William Barrell, Esq., Solicitor, of Liverpool, to Margaret Elizabeth, daughter of M. Ellis, Esq., Edge-hill.

FALKNER—CODD—On April 2, Francis Falkner, Esq., Dublin, Solicitor, to Ellen S. Codd, daughter of John Codd, Esq., late of Kilbeggan, in the county of Westmeath.

GEOGHEGAN—MENZIES—On March 27, at Keir House, Dumfriesshire, Francis Geoghegan, Esq., Solicitor, of Dublin, to Jane, daughter of the Rev. William Menzies.

DEATHS.

BARRINGTON—On March 31, at Dublin, Sir Matthew Barrington, Bart., of Glenstal, county Limerick, and Crown Solicitor for the Munster Circuit, aged 72 years.

Chambers—On March 27, Edward Waller Chambers, Esq., Solicitor, son of the late Edward Chambers, Esq., Surgeon, of Deal, Kent.

Dupleix—On March 26, Henry Dupleix, Esq., of 61, Lincoln's-inn-fields.

Martin—On April 2, Nathaniel Martin, Esq., Solicitor aged 66.

English Funds and Railway Stock

(Last Official Quotation during the week ending Friday evening.)

English Funds.		Shrs.	Railways—*Continued.*	
Bank Stock	..	Stock	Ditto A. Stock	105½
3 per Cent. Red. Ann.	91¼	Stock	Ditto B. Stock	131
3 per Cent. Cons. Ann.	..	Stock	Great Western	70¾
New 3 per Cent. Ann.	..	Stock	Lancash. & Yorkshire	110½
New 2½ per Cent. Ann.	91¼	Stock	London and Blackwall.	61
Consols for account	..	Stock	Lon. Brighton & S. Coast	119½
India Debentures, 1858.	..	25	Lon. Chatham & Dover	48
Ditto 1859.	222	Stock	London and N.-Wstrn.	95⅝
India Stock	100½	Stock	London & S.-Westrn.	92½
India 5 per Cent. 1859.	..	Stock	Man. Sheff. & Lincoln.	45⅝
India Bonds (£1000)	..	Stock	Midland	124
Do. (under £1000)	..	Stock	Ditto Birm. & Derby	98
Exch. Bills (£1000)	6 dis.	Stock	Norfolk	55
Ditto (£500)	..	Stock	North British	62
Ditto (Small)	¾ dis.	Stock	North-Eastn. (Brwck.)	101¼
		Stock	Ditto Leeds	60
		Stock	Ditto York	90½
Railway Stock.		Stock	North London	99
		Stock	Oxford, Worcester, & Wolverhampton	..
Stock Birk. Lan. & Ch. June.	82			
Stock Bristol and Exeter	99	Stock	Shropshire Union	49
Stock Cornwall	6	Stock	South Devon	40
Stock East Anglian	18	Stock	South-Eastern	83½
Stock Eastern Counties	49½	Stock	South Wales	60
Stock Eastern Union A. Stock	39	Stock	S. Yorkshire & R. Dun	96
Stock Ditto B. Stock	28	25	Stockton & Darlington	41
Stock Great Northern	110½	Stock	Vale of Neath	76

London Gazettes.

Professional Partnership Dissolved.

Friday, March 29, 1861.

Edwards, Henry, and Benjamin Charles Godwin, Attorneys & Solicitors, Winchester, by effluxion of time. March 25.

Windings-up of Joint Stock Companies.

Friday, March 29, 1861.

Unlimited in Chancery.

British Provident Life and Fire Assurance Society (Registered).—Vice-Chancellor Kindersley will, on April 10, at 12, appoint an Official Manager of this Society.

Deposit and General Life Assurance Company.—The Master of the Rolls purposes, on April 16, at 3, to proceed to make a call on all contributories of the Company for 10s. per share.

Hereford and Merthyr Tydvil Junction Railway Company.—Vice-Chancellor Stuart will, on April 8, at 1, proceed to make a call on the contributories of the Company, to pay the costs, charges, and expenses incurred by the Official Manager, and also the taxed costs, charges, and expences of Messrs. Hill and Everill, the former Solicitors of the Company, and proposes that such call shall be for £40 per share.

Risca Coal and Iron Company.—Master of the Rolls order to wind up March 23. James Edward Coleman appointed interim liquidator.

Tuesday, April 2, 1861.

Unlimited in Chancery,

British Exchequer Life Assurance Company (Registered).—V.C. Wood has appointed Robert Palmer Harding, 3, Bank-buildings, London, and 5, Serle-street, Lincoln's-inn, Middlesex, Accountant, Official Manager of this Company.

British Provident Life and Fire Assurance Society (Registered).—V.C. Kindersley will, on April 10, at 12, appoint an Official Manager of this Society.

Mexican and South American Company.—The Master of the Rolls has peremptorily ordered that a call of £11 5s. per share be made on all contributories of this company who are set forth in the exhibit A annexed to the affidavit of William Frederick Kettle, such call to be paid on or before April 4, to Robert Palmer Harding, Official Manager, 3, Bank-buildings, London.

Limited in Bankruptcy.

St. John's United Copper and Lead Mining Company, Newfoundland (Limited).—Petition for winding up, presented March 20, will be heard before Commissioner Evans on April 11. Mackrell, Solicitor, 34, Cannon-street West.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

Friday, March 29, 1861.

Adcock, Robert Hill, Wine Merchant, formerly of Little Argyle-street, Middlesex, and late 19, Brompton-square, Gent. Cates & Elgood, Solicitors, 48, Lincoln's-inn-fields, London, W.C. May 1.

Barnet, Hannah, Spinster, Holderness, East Riding, Yorkshire. Frost & Dawson, Solicitors, 10, Scale-lane, Hull. June 15. Agents, Parker, Rooke, and Parkers, 17, Bedford-row.

Godfrey, John, Esq., Brooke-house, Ash, Kent. Wightwick, Kingsford, & Fraser, Solicitors, 16, Watling-street, Canterbury. June 1.

Heaton, Martha, Widow, Gloucester-place, Kentish-town, Middlesex. Shepheard, Solicitor, 24, Moorgate-street, London. May 4.

Heyes, Alice, Widow & Beerseller, Kilshaw-street, Preston, Lancaster. Dodd, Solicitor, 48, Lime-street, Preston. April 30.

Joplin, William, Gent., Bishop Auckland, Durham. Hepple & Proud, Solicitors, 16, Market-place, Bishop Auckland. July 1.

Kenington, Thomas, Farmer, Stainton-le-Vale, Lincolnshire. Daubney, Solicitor, Market Rasen. June 1.

Morris, Mrs. Louisa, late of Wickham Villa, Wickham-road, New Cross, Kent, Widow of Harvey Morris, Esq., late of the same place. Johnson, Solicitor, 5, Gray's-inn-square, London. May 15.

Hudson, Robert, and James Hopgood, Esqrs., Clapham-common, Surrey, Executors of John Parrott, Surgeon, Clapham-common. April 20.

Rauche, Caroline, Widow, Ledbury, Herefordshire. Moore, Banker, Ledbury, Executor. April 15.

Rogers, Henry, Gent., formerly of College-place, Bristol, and afterwards residing at 4, Chandos-place, Clifton. Parnell & Brown, Solicitors, 28, Baldwin-street, Bristol. May 23.

Scaplehorn, Elizabeth, Spinster, Cambridge. Fearon & Clabon, Solicitors, 21, Great George-street, Westminster. April 30.

Sneed, James, Cheesemonger, Sun-street, Bishopsgate, London. Davies, Solicitor, Ross, Herefordshire. April 12.

South, Thomas, Staines, Middlesex. Abbott & Wheatly, Solicitors, 22a, Southampton-buildings, Chancery-lane. June 3.

Stanbridge, Benjamin, Farmer, Ticehurst, Sussex. Beecham & Son, Solicitors, Hawkhurst, Kent. May 31.

Swaffield, Thomas, Innkeeper, Northam, Southampton. Lomer, Solicitor, 18, Portland-terrace, Southampton. May 1.

Taylor, Thomas, Common Brewer, Queen-street, Wells, Somersetshire. Welsh, Solicitor, High-street, Wells, Somersetshire. May 21.

Winks, Thomas, 14, Queen's-road, Chelsea, Middlesex. Fearon & Clabon, Solicitors, 21, Great George-street, Westminster. April 15.

Tuesday, April 2, 1861.

Bloxcidge, Richard, Gent., late of Kingsdown-parade, Bristol, and also late of Clevedon, Somersetshire, and of Hazlewood-villa, Edgbaston, Warwickshire. Solicitors, Sutton & Jelf, 14, Colmore-row, Birmingham. May 28.

Haydon, James, Collar & Harness Maker, Croydon, Surrey. Solicitors, Drummonds, Robinson, & Till, Croydon. May 20.

Musson, William, Gent., formerly of East Allington, Lincolnshire, and afterwards of Whaplode, Lincolnshire. Solicitor, Sturton, Holbeach. May 1.

Raynor, Thomas, Surveyor, Sheffield. Executors, J. Carr, Surgeon, Eyre-street, Sheffield, and T. Thorpe, Law Clerk, Collegiate-crescent, Broomhall-park, Sheffield. May 1.

Roscoe, Amelia, Spinster, Hindley, Lancashire. Solicitor, Marshall, King-street, Wigan. April 16.

Creditors under Estates in Chancery.

Last Day of Proof.

Friday, March 29, 1861.

Avenell, Abraham, Gent., Ipswich, Suffolk. Avenell *v.* Peachey, M. R. April 27.

Brown, Thomas Cowper, Gent., Denmark-hill, Surrey, and King's Bench-walk, Inner Temple, London. Brown *v.* Brown, M. R. April 20.

Clarkson, Jane, Widow, Newsholme, Wressel, Yorkshire. Bell *v.* Clarkson, V. C. Stuart. April 26.

Coulson, James, Millwright & Ironfounder, late of Crawley, Southampton, but formerly residing at Matanzas, Island of Cuba. Coulson *v.* Coulson, M. R. June 10.

Gilly, William Octavius Shakespear, Esq., formerly of 25, Sussex-gardens, Hyde-park, Paddington, Middlesex, and late of Totton. Shields *v.* Morgan, V. C. Wood. May 1.

Hutton, John, Esq., Sowber-hill, near Northallerton, North Riding, Yorkshire. Hutton *v.* Hutton, V. C. Kindersley. April 27.

Juler, George, Watchmaker, North Walsham, Norfolk. Juler *v.* Juler, M. R. April 29.

Lewis, Jane, Bronllangwrdda, Llanbadarnfawr, Cardigan. Lewis *v.* Evans, M. R. April 19.

Mitchell, David William, Esq., Barton-le-Clay, Bedford, and Neuilly-sur-Seine, France. Miller *v.* Mitchell, M. R. April 22.

Moore, Paul, Metal Wire & Hinge Manufacturer, Broadfield House, Sutton Coldfield, Warwickshire. Moore *v.* Morris and Bayley *v.* Moore, M. R. April 23.

Robinson, George Newman, Labourer, Silverstone, Northamptonshire. Ackling *v.* Whitlock, M. R. April 20.

Scarisbrick, Charles, Scarisbrick Hall, Lancaster. Talbot *v.* Scarisbrick, M. R. May 1.

Turton, Joseph, Merchant & File Manufacturer, Sheffield. Wright *v.* Carr and Carr *v.* Turton, V. C. Wood. April 25.

Watson, Ann, Spinster, Bishop's Stortford, Hertfordshire. Burrows *v.* Clayden, V. C. Wood. May 1.

Tuesday, April 2, 1861.

Lawford, John, & Edward Lawford, Attorneys & Solicitors. Drapers' Hall, Throgmorton-street, London, under indentures of Nov. 15. Jellicoe *v.* Turquand, and Whitmore *v.* Turquand, V.C. Wood. May 1.

Moorhouse, James, Hotel Keeper, Albemarle-street, Middlesex. Moorhouse *v.* Moorhouse, M.R. April 22.

Assignments for Benefit of Creditors.

Friday, March 29, 1861.

Allen, James, Builder & Carpenter, Glemsford, Suffolk. March 5. *Sols.* Andrews & Canham, Sudbury.

Blockey, Joseph Treacy, & Thomas Remnant, Wine Merchants, 104, Ebury-street, Pimlico, Middlesex. March 18. *Sol.* Thomson, 60, Cornhill, London.

Browne, Ann, Draper, 10, Upper-street, Islington, Middlesex. March 21. *Sol.* Sole, 68, Aldermanbury, London.

Chisholm, Thomas, Farmer, Wingates Moor, Longhorsley, Northumberland, and also of Windyhaugh, Alwinton, Northumberland. March 16. *Sol.* Forster, Alnwick.

Disher, Robert, Jun., Hop Merchant, 7, Three Crown-square, Southwark, Surrey, and of Merrington-house, Old Brompton, Middlesex. March 2. *Sols.* Hawks & Wilmott, 82, High-street, Southwark.

Dunwell, William, Schoolmaster, Burton-upon-Trent, Staffordshire. March 23. *Sol.* Drewry, Burton-upon-Trent, Staffordshire.

Hall, Thomas Henry, Brass Tap Manufacturer, Sheffield. March 3. *Sols.* Smith & Hinde, Bank-street, Sheffield.

Hickey, James Henry, Builder, 45, Cirencester street, Paddington, Middlesex. March 19. *Sol.* R. Skeet, Jun., 8, Gray's-inn-square.

Lewis, Robert, Linen Draper, 40, Warwick-street, Pimlico. March 5. *Sol.* Jones, 15, Size-lane.

MORRIS, JAMES, Paper Dealer, Liverpool. March 8. *Sols.* Dodge & Wynne, 7, Union-court, Castle-street, Liverpool.

SMITH, THOMAS, Woollen Draper & Tailor, Newcastle-upon-Tyne. March 1. *Sol.* Joel, Newcastle-upon-Tyne.

SWINGLEHURST, JOHN, & JAMES SWINGLEHURST, Cotton Manufacturers, Rose Hill Shade Freetown, Bury, Lancashire. March 19. *Sol.* Crossland, Mayfield, Bury.

TURTLE, CHARLES, News Agent, 49, High-street, Swansea, Glamorganshire. March 4. *Sol.* Goodere, Swansea.

WOOTEN, RICHARD, Provision Dealer, Stratford-upon-Avon, Warwickshire. March 18. *Sols.* Hobbes & Slatter, Stratford-upon-Avon.

TUESDAY, April 2, 1861.

BROOKE, JOHN JENNINGS, Milliner, 3, Abbey-place, Torquay. March 16. *Sol.* Friend, Exeter.

CAPPEL, JAMES, Outfitting Warehouseman, 7, Milk-street, Cheapside, London. March 2. *Sols.* Langford & Marsden, 59, Friday-street, Cheapside, London.

FINNEY, ELIZABETH, Widow & Brick-maker, Stallow, Montgomeryshire. March 27. *Sol.* Wilding, Montgomery.

MICHELL, WILLIAM, Farmer & Grocer, Camborne, Cornwall. March 15. *Sol.* Chilcott, Truro.

POWELL, WILLIAM, Shoemaker, Hereford. March 25. *Sol.* Bodenham, Hereford.

SUTTON, HENRY, Grocer, Baker, Ship Chandler, and Spirit Merchant, Middlesbrough, North Riding, Yorkshire, and JAMES WARE, Grocer, Baker, Ship Chandler, and Spirit Merchant, of said borough. March 5. *Sol.* Peacock, Middlesbrough.

WILSON, MARTHA, and MARY WILSON, Grocers and Provision and Corn Dealers, 3, Tiviot Dale, and John Milton Place, Heaton Norris, Stockport. Feb. 21. *Sol.* Jones, Manchester.

Bankrupts.

FRIDAY, March 29, 1861.

ADLINGTON, JOSEPH WILLIAM, Iron Master, Oldbury, Worcestershire. *Com.* Sanders: April 11, and May 2, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Plunkett & Shakespear, West Bromwich; or James & Knight, Birmingham. *Pet.* March 28.

BOTTOMLEY, BENJAMIN GARFIT, Ironmonger & Lodging-house Keeper, Devonport. *Com.* Andrews: April 8, and May 6, at 12.30; Plymouth. *Off. Ass.* Hirtzel. *Sols.* Saunders, 41, Cherry-street, Birmingham; or Turner & Hirtzel, Exeter. *Pet.* March 18.

BURTON, ANTHONY, Grocer, Sheffield. *Com.* West: April 13, and May 4, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Hoole & Yeomans, Sheffield. *Pet.* March 26.

CARMAN, BENJAMIN, & ROBERT BAILEY, Cabinet Makers, Harwich, Essex. *Com.* Fonblanque: April 10, at 2.30; and May 14, at 12.30; Basinghall-street. *Off. Ass.* Stansfeld. *Sol.* Jones, Colchester, Essex. *Pet.* March 28.

COWTON, JAMES, Fruiterer, Birmingham. *Com.* Sanders: April 11, and May 2, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* East, Birmingham. *Pet.* March 28.

CRAFT, WILLIAM, Baker & Confectioner, Maidstone, Kent. *Com.* Fane: April 11, at 12.30; and May 10, at 11; Basinghall-street. *Off. Ass.* Cannan. *Sols.* Monckton & Co., 1, Raymond's-buildings, Gray's-inn; or Goodwin, Maidstone, Kent. *Pet.* March 23.

DALTON, WILLIAM JAMES, Builder, Arundell House, Balham Hill, Surrey. *Com.* Goulburn: April 8, and May 13, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Howard, Halse, & Trustram, 66, Paternoster-row, London. *Pet.* March 23,

DAVIS, JOHN, Manufacturer, Manchester. *Com.* Jemmett: April 10 and 30, at 12; Manchester. *Off. Ass.* Pott. *Sol.* Pankhurst, Manchester. *Pet.* March 25.

DEIGHTON, SAMUEL, Draper, Preston, Lancashire. *Com.* Jemmett: April 11, and May 2, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Sale, Worthington, Shipman, & Seddon, Booth-street, Manchester. *Pet.* March 19.

DRAKE, GEORGE, Glover & Leather Dresser, St Thomas the Apostle, Devonshire. *Com.* Andrews: April 10, at 1; and May 8, at 12: Exeter. *Off. Ass.* Hirtzel. *Sol.* Fryer, St. Thomas, Exeter. *Pet.* March 28.

FOWLER, JOHN, Stock & Sharebroker, & Commission Agent, Whitehaven, Cumberland. *Com.* Ellison: April 9, at 12; and May 14, at 1; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Musgrave, Whitehaven; or, Griffith & Crighton, Newcastle-on-Tyne. *Pet.* March 20.

GATES, JAMES HAYDEN, Builder, Manor-street, Clapham, Surrey. *Com.* Evans: April 5, at 11; and May 9, at 2; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Hewett, Princes-street, Bank. *Pet.* March 22.

GRIFFIN, GEORGE, Grocer & Provision Dealer, Walsall, Staffordshire. *Com.* Sanders: April 4 and 25, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Duignan & Ebsworth, Walsall. *Pet.* March 19.

PROBERT, WILLIAM, Hop Dealer & Coal Merchant, Worcester. *Com.* Sanders: April 11, and May 2, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Hughes & Son, and Corles, Worcester; and E. & H. Wright, Birmingham. *Pet.* March 25.

RETAKEN, THOMAS, Grocer & Builder, William-street, Swansea, Glamorganshire. *Com.* Hill: April 8, and May 7, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Fisher & Sons, 163, Aldersgate-street, London; or Brittan & Sons, Bristol. *Pet.* March 11.

ROLFE, PHILEMON, Chemist & Druggist, 39, High-street, Gravesend. *Com.* Goulburn: April 8, at 11; and May 6, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Wilkinson, Stevens, & Wilkinson, 4, Nicholas-lane, London. *Pet.* March 26.

SKINNER, WILLIAM, Innkeeper, Wine & Spirit Merchant, Redcar, Yorkshire. *Com.* Ayrton: April 15, and May 6, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Simpson, Yarm; or Cariss & Cudworth, Leeds. *Pet.* March 28.

THOMAS, WILLIAM, Innkeeper, Green House, Llantarnum, Monmouthshire. *Com.* Hill: April 9, and May 7, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Greenway & Bytheway, Pontypool; or Bevan, Girling, & Press, Bristol. *Pet.* March 22.

WALKER, CHRISTOPHER, Smallware Manufacturer, Nicholas Croft and Southam-street, Manchester. *Com.* Jemmett: April 17, and May 1, at 12; Manchester. *Off. Ass.* Fraser. *Sol.* Marriott, Brown-street, Manchester. *Pet.* March 20.

TUESDAY, April 2, 1861.

ASHLEY, CHARLES KITCHEN, Common Brewer, Sheffield. *Com.* West: April 13 & May 18, at 10: Sheffield. *Off. Ass.* Brewin. *Sol.* Webster, 14, St. James's-row, Sheffield. *Pet.* March 30.

COPLAND, JAMES BENJAMIN, Wine & Spirit Merchant, Manchester. *Com.* Jemmett: April 17 & May 15, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Sharp, 92, Gresham-house, Old Broad-street, London, or Rowley & Son, Manchester. *Pet.* March 12.

EDWARDS, JOHN, Draper, Cwm Ynyscoy, Pontypool, Monmouthshire. *Com.* Hill: April 16 & May 14, at 11; Bristol. *Off. Ass.* Acraman, *Sols.* Bevan, Girling, & Press, Bristol. *Pet.* March 21.

FREEMAN, WILLIAM, Builder & Contractor, Belper, Derbyshire. *Com.* Sanders: April 18 & May 9, at 11.30; Nottingham. *Off. Ass.* Harris *Sols.* Gamble & Leech, Derby. *Pet.* March 28.

ISENBERG, JACOB, and DANIEL MYERS, Boot and Shoe Warehousemen, 19, Skinner-street, Snow-hill, London (Jacob Isenberg & Co.). *Com.* Goulburn: April 12, at 2; and May 15, at 12, Basinghall-street. *Off. Ass.* Pennell. *Sol.* Howard, 9, Quality-court, Chancery-lane, London. *Pet.* March 28.

ROGERSON, JAMES, Linen and Woollen Draper, East Hartlepool, Durham (James Rogerson & Co.). *Com.* Ellison: April 18, at 1; and May 15, at 12; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sol.* Forster, Newcastle-upon-Tyne. *Pet.* March 28.

MEETINGS FOR PROOF OF DEBTS.

FRIDAY, March 29, 1861.

BARNES, THOMAS, Innkeeper, Lion & Lamb Hotel, Farnham, Surrey. April 26, at 12; Basinghall-street.—BROOKS, ALFRED, Optician, 41, Ludgate-street, London. April 19, at 12; Basinghall-street.—CHARNEY, WILLIAM, Grocer & Baker, Portsmouth. April 9, at 2; Basinghall-street.—DAVIDSON, JOHN RANKIN, Builder, & Railway Contractor, Eden Cottage, near Carlisle, Cumberland; and WILLIAM OUGHTERSON, Builder, & Railway Contractor, Bush or Lyne, near Longtown. April 12, at 11.30; Newcastle-upon-Tyne.—DAVIS, WILLIAM POPHAM, Slate & Marble Merchant, Dealer in Bricks, Cement, & Pottery, Cardiff, Glamorganshire. April 30, Bristol.—EDGE, THOMAS, Gas Meter Manufacturer, 59, Great Peter-street, and 39, Vincent-square, Westminster. April 9, at 12; Basinghall-street.—EGAN, RODOLPHUS, Gun-maker, Bradford, Yorkshire. April 19, at 11; Leeds.—GOULDING, WILLIAM, Grocer & Draper, Upwell, Norfolk. April 9, at 11.30: Basinghall-street.—HORROX, JAMES, Drysalter & Wood Grinder, Little Green Mill, Middleton Dale, Chadderton, Prestwich-cum-Oldham, Lancashire. April 26, at 12: Manchester.—HUTCHINSON, MATTHEW, Hemp & Flax Dealer, 48, Mark-lane, London, and of Paragon, Blackheath, Kent (Matthew Hutchinson & Son.) April 24, at 2; Basinghall-street.—LINDO, SOLOMON, Wine, Spirit, & Beer Merchant, 42, Westbourne-grove, Bayswater, Middlesex. April 10, at 12; Basinghall-street.—MANN, HENRY, Miller & Dealer, Chester-ton, Cambridgeshire. April 9, at 1; Basinghall-street.—MARTIN, JOHN WEBB, Farmer, and Dealer in Wood & Hop Poles, Moor Farm, Yalding, Kent. April 24, at 11.30; Basinghall-street.—MAYO, THOMAS, Wooden Ware Manufacturer, Chesham, Bucks. April 12, at 12; Basinghall-street.—NOBLE, JOHN, Rope Maker, Carlisle. April 26, at 12; Newcastle-upon-Tyne.—OLDFIELD, GEORGE, ROBERT OLDFIELD, & JOHN CLARKE, Millers & Corn Dealers, Lichfield (Oldfields & Clarke.) April 22, at 11: Birmingham.—PALMER, JOHN, Picture Dealer, Mutley House, Mutley, near Plymouth. April 25, at 12.30; Basinghall-street.—PRINGLE, THOMAS WHITAKER, Draper & Grocer, late of Blyth, Nottingham, but now of Hawley-place, Kentish Town, Middlesex, Grocer. April 24, at 1.30; Basinghall-street.—PRITCHARD, CHARLES, Plumber, Painter, & Glazier, 5, East-place, Walcot-place, Lambeth, Surrey. April 19, at 11; Basinghall-street.—REED, THOMAS SADLER, Silk Manufacturer, Derby. April 18, at 11; Nottingham.—ROGERS, THOMAS, Hotel & Lodging House Keeper, 109, Queen's-road, and 35, Queen's-road, Brighton. April 22, at 12; Basinghall-street.—ROLFE, ALFRED, & JOHN DAVIS, Timber Merchants, 8, Dorrington-street, Clerkenwell, Middlesex. April 12, at 12.30; Basinghall-street.—SHIPLEY, JOHN GEORGE, Saddler & Harness Maker, 179 & 181, Regent-street, Middlesex; Joint Proprietor of the Sporting Life and Eclipse Newspapers, and Sole Proprietor of the Court Circular Newspaper. April 9, at 1.30; Basinghall-street.

SOLICITORS' Benevolent Association.

For the Relief of Poor and Necessitous Attorneys, Solicitors, and Proctors, in England and Wales, and their Wives, Widows, and Families.

INSTITUTED 1858.

SUPPORTED BY MEMBERS' SUBSCRIPTIONS AND BY GENERAL DONATIONS.

Trustees.

JOHN HOPE SHAW, Leeds. | JAMES ANDERTON, London.
EDWARD BANNER, Liverpool. | WM. STRICKLAND COOKSON, London.

Board of Directors.

JAMES ANDERTON, *Chairman.* | THOMAS HARRISON, *Deputy Chairman,*

LONDON.

Ebenezer Benham.	Frederick Nicholls Devey.	Edward Lawrance.	Sidney Smith, jun.
Thomas Holme Bower.	Edwin Wilkins Field.	William Humphery Pilcher.	John Smale Torr.
Thomas Dounie Calthrop.	Edwin Hedger.	John Satchell.	Edward Weyman Wadeson.
George Capes.	Frederick Halsey Janson.	William Shaen, M.A.	Henry Thomas Young.
Wm. Strickland Cookson.	Thomas Kennedy.	Charles Fletcher Skirrow.	

PROVINCIAL.

Bath	Ed. Turner Payne.	*Chelmsford*	Fred. T. Veley.	*Lincoln*.....	Ed. A. Bromehead.	*Oxford*	Fred. J. Morrell.
Bedford	T. Wesley Turnley.	*Derby*	Frederick Baker.	*Liverpool*.....	Thomas Avison.	*Pershore*	Edwin Ball.
Birmingham ..	W. Simmons Allen.	*Dorchester*	Thomas Coombs.	,, ...	Edward Banner.	*Reading*	John J. Blandy.
Bolton	George Marsland.	*Exeter*	H. W. Hooper.	,, ...	Mat. D. Lowndes.	*Rochester*	George Essell.
Bradford, York.	John Darlington.	*Greenwich*.....	Charles A. Smith.	*Maidstone*.....	John Case.	*Salisbury*	Ed. E. P. Kelsey.
Bristol	Cam Gyde Heaven.	*Hereford*	Thomas Evans.	*Manchester*	James F. Beever.	*Sheffield*.....	Francis Hoole.
,, ...	H. S. Washrough.	*Hull*	William H. Moss.	,, ...	James Crossley.	*Stafford*	Henry Peake.
Cambridge	Fred. Barlow.	,, ...	Charles H. Phillips.	*Market Harboro'*	Barwell E. Bennett.	*Sunderland*	Thomas Burn, jun.
Canterbury	Herbert T. Sankey.	*Ipswich*	Alfred Cobbold.	*Marlborough* ..	W. C. Merriman.	*Worcester*	John Stallard.
Carlisle.....	John Nanson.	*Lancaster*	John Sharp.	*Newcastle-on-tyne*	John Clayton.	*Wrexham*	John Lewis.
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THE SOLICITORS' JOURNAL.

LONDON, APRIL 13, 1861.

CURRENT TOPICS.

Among the few Acts of Parliament which have received the Royal assent during the present session is one of some importance to persons having transactions in the public funds. On the 22nd of last month, the 24 Vict. cap. 3 was added to the statute-book, and it has already, in several important particulars, come into operation. The two main objects of the statute are to make certain alterations in the mode of paying the Bank of England, and in the management of the public debt, and also to give increased facilities for the transfer of the public stocks. Heretofore, as our readers are aware, the transfer books were closed for a month prior to the day fixed for the payment of the half-yearly dividend. The object of this regulation was, to give time for the calculation of the dividends, and for the preparation of warrants. During that period no transfers were permitted, except under circumstances of special necessity, and even then the stock so transferred always carried the right to the current half-year's dividend. It has been, however, enacted by the recent statute that henceforth the Bank may close the transfer books on any day in the month preceding that in which the dividends shall be payable; and the persons who, on the day of the closing of such books, are inscribed as proprietors are to be entitled to the current dividend; but transferees after the day of the closing of the books are not to be entitled to that dividend. The effect will be, that persons holding stock on the morning of the day when the books are closed, say on the 1st of June next, will be entitled to the dividend which will fall due on the 5th of July; but in the meanwhile, transfers may be made in the usual way, and as if the books were not closed. This arrangement will be very convenient for the public, but especially so for suitors in the Court of Chancery. The frequent intervals in which dealings in stock were impracticable to the Court very much impeded the course of its business.

A Select Committee of the House of Lords has commenced taking evidence on questions connected with the law of divorce and dissolution of marriage. We are not aware whether the scope of the inquiries committed to their lordships includes the constitution and business of Her Majesty's Court of Divorce, as at present constituted, under Sir C. Cresswell. But it is not unlikely, owing to the arrears of the Cause List in that Court, that some change will soon be made either in its constitution or its business. Various suggestions have been offered on this subject, but we have not yet noticed one which appears to afford the best solution for the present difficulty—we mean the transfer to the Court of Chancery of the metropolitan Probate business. The forms and procedure incidental to the proving of wills and the granting and revocation of letters of administration are much more cognate to the ordinary business of courts of equity than to the litigation in suits for judicial separation or dissolution of marriage. Indeed, no little inconvenience is frequently experienced in chancery suits by the peculiar jurisdiction of the Court of Probate and its exclusive competency to constitute the legal personal representative of a deceased person. Financial reasons would also go to support the same suggestion; for, as courts of equity at present have scarcely enough of work to keep them going, they would be able, without putting the country to greater expense, to accept a transfer of the business at present done by the metropolitan Court of Probate.

The *Times* of Thursday last has got a very mysterious article upon the Bar and Barristers generally. It says that "matters which are discussed at every circuit table, and, indeed, at every dinner table, cannot but have their public interest and challenge some public allusion." The writer does not condescend to particulars. There can be but little doubt, however, that the text has been mainly supplied by the recent retirement from Parliament, and from a minor judicial office, of a well-known nisi prius advocate. The writer of the article in question states that the current scandals which have suggested his remarks must "pass unfixed," because they have not yet been made public. We also think it right to abstain from giving any further currency to them, although they have already obtained a very wide circulation in connection with a name which has been long well known in the profession.

THE CASE OF ST. GREGORY'S CHURCH, SUDBURY.

It has fallen to the lot of the Court of Chancery to play an unusual part in the composition of a second phase of the famous strife at Sudbury, with the particulars of which general readers are less acquainted than with the proceedings which attracted so much notice a few years ago in the case of St. Peter's Church in the same town. To lawyers the result is interesting, by its exhibiting a new application of the powers of the Court, acting as a very efficient auxiliary to the ecclesiastical authority still vested in the diocesan chancery. An attentive examination of the case shows that the powers of the Chancellor of the Diocese would have been unavailing to establish a valid compromise between the claims of the contending parties, without the convenient aid which the Great Seal, under its improved jurisdiction, has been enabled to give. At the same time the story of the conflict may not be without interest, as an example, *par excellence*, of the sort of struggle which a vast number of our country parishes have witnessed on a less exaggerated scale. It furnishes another proof of the wide distinctions which exist between London and country congregations, founded, we may presume, upon the essentially different character of their constitution, and of the relations which the members bear to each other. It shows the exact weight which in this instance was due to episcopal opinion and authority. It also suggests the necessity of a change in the working of the courts of the chancellors of dioceses. Although the facts may be familiar to some of our readers, they are yet perhaps worthy of being placed on record in an authentic and complete form.

It appears that the parishes of St. Peter's and St. Gregory's, Sudbury, are for church purposes united. In 1855, Mr. Molyneux was appointed to the perpetual curacy of both. All the tithes are alienated, and the whole endowment of the two is £72 a year. The sentiments of the new incumbent were no secret. He was the honorary secretary of the General Committee on the Pew System, the objects of which are—"To direct attention, through the press and otherwise, to the fatal effects of the pew system in churches upon the religious and moral condition of the people; to secure the full and free access of all classes, without respect of persons, to churches hereafter to be built in populous districts; and to enforce the fundamental principle of the parochial system—the common and equal right of all parishioners to worship in their parish church." Mr. Molyneux had also, or has since, published a letter to the Bishop of Ely, "On the Equal Rights of all Classes of Parishioners to the Use of their Parish Church, and the un-Christian

results of the Appropriation of Seats." Proceedings were very soon commenced to carry out these principles at St. Peter's, the larger and more central of the two churches. Of these it is only necessary to say that they ended in the church being seated with chairs instead of pews; and the case has been alluded to in the report of the House of Lords Committee in 1858, as "an experiment which has been soberly conducted during more than three years," and as one "based on a principle of law which is applicable to every parish church in England." The subject of our present narrative, as disclosed in the suit of *Cardinall* v. *Molyneux*, just decided, was the repewing of the other church, St. Gregory's. It seems beyond doubt that the fabric of this church was in bad repair—the roof was unsafe, the floor rotten and in holes, and the woodwork of the pews decayed. The west end was also blocked up by a large gallery with an organ in it. At the time when this was erected, in 1829, or possibly before, the tower arch was filled up with a lath and plaster partition. The west window was partly bricked up, so as to convert the space under the tower into a lumber room. It was manifest that the work of renovation was partly matter of necessity, but also partly of ecclesiastical taste, into which sentiment diversity of religious feeling largely entered.

In October, 1857, a vestry meeting was summoned, at which a shilling rate for the repair of the roof was suggested and negatived; but an inquiry by some competent person into the state of the roof was proposed by way of amendment and carried, and further consideration of the repairs deferred till the Easter following. Meanwhile the church was closed. Finding the vestry impracticable, the incumbent, and his churchwarden Mr. Hasell, summoned a voluntary meeting of the parishioners, when it was proposed that Mr. Hasell should endeavour to raise subscriptions, and the meeting stood adjourned till the 18th of June. Mr. Hasell then reported that he had obtained £39 4*s*., of which he had himself subscribed £2 2*s*. The other churchwarden, the plaintiff in the suit, Mr. Cardinall, was also present. He had collected nothing, and refused to subscribe. Mr. Molyneux thus finding that the church was likely to remain permanently shut up, canvassed privately for subscriptions, which he obtained to the amount of £214 17*s*. 5*d*. The Bishop of Ely contributed £25, and the Church Building Society £80. Of the whole sum thus collected, £63 were specially to be applied, says Mr. Molyneux, to the restoration of the interior of the church, unless absolutely required for the fabric. In short, the £63 was contributed by friends of the incumbent in special aid of his particular views. Being thus supplied with funds, Mr. Molyneux employed a builder named Grimwood to repair the roof, and the work was completed on the 25th of March, 1859. Mr. Molyneux then finding that he had funds sufficient, after paying for the repairs of the roof, to remove the pews and gallery and to relay the floor, entered into another contract with Mr. Grimwood to clear away the pews, sittings, and gallery, take up the floor, and lay down a new one for £30. He directed him at the same time to proceed with the work so that the church might be ready by Easter Sunday following, the 24th of April. By this time the intentions of the incumbent were well understood in the parish, though it was alleged that his measures were taken in secret. He did not conceal, indeed, he had stated, that it was his wish to do with St. Gregory's as he has done with St. Peter's, and a strong opposition was ready at any moment to break out. The population of St. Gregory's parish is about 2,500, rather larger than that of St. Peter's; the inhabitants being principally poor weavers.

On the 30th of March open warfare commenced. Mr. Grimwood with his workmen entered the church, and proceeded, at Mr. Molyneux's direction, without the consent of either churchwarden (though Mr. Hasell afterwards said he quite approved of the proceeding, as Mr. Molyneux knew), and without the consent of the parishioners or a faculty, to "cut down, sever, and remove" the pews, sittings, and gallery; making, in fact, a clean sweep of everything within the walls. On the same day the indignant inhabitants found the walls of the town placarded with bills announcing the sale on the following day, on the market hill, of a quantity of building materials, "arising from the repairs, &c., at the church of St. Gregory." This publication seems to have given the alarm. Mr. Cardinall, the churchwarden, set off to the church, where he arrived about half-past twelve, in time to find all the pews down and the gallery removed. There was Mr. Molyneux and his curate Mr. Green. Mr. Green addressed Mr. Cardinall, and asked him whether he did not think this was an improvement. Mr. Cardinall replied, "No doubt it would be considered so if Mr. Molyneux would but have the church benched and allowed his parishioners a seat, but not to have chairs." Mr. Molyneux then apologised for not having called on Mr. Cardinall, and inquired if he did not think the church improved. Mr. Cardinall asked Mr. Molyneux if he intended boarding it. He replied as far as he could, but that chairs would be placed in the church as in St. Peter's. Mr. Molyneux then went away. Mr. Cardinall then said to Mr. Green, "What a pity it is he will not appropriate seats to his parishioners!" To which Mr. Green replied, "He won't do it, it is a hobby of his." [Mr. Green afterwards gave a different version of this conversation. His account is that Mr. Cardinall said that none of the parishioners wished to keep the pews, or would object to the alterations, if Mr. Molyneux would give up what Mr. Cardinall called his hobby.] Mr. Cardinall said he would engage to bench the church if Mr. Molyneux would agree to it; but the parishioners were determined not to come to church to sit upon chairs. He added, they had been resolved not to have the pews taken out; but had been outdone in that respect.

The following day, the 31st, was a memorable one in the annals of St. Gregory's. The parishioners had been meditating revenge, and commenced operations early. A notice had been prepared addressed to Mr. Molyneux, Mr. Grimwood, and Mr. Rolfe, the auctioneer, giving them notice not to pull down—though that had been already done—and not to remove, sell, or dispose, of the pews and sittings or materials in the church; and that it was his intention to move for an injunction. This document Mr. Cardinall served upon Mr. Grimwood, at half past eight in the morning, and also upon Mr. Molyneux and Mr. Rolfe a little later. He then repaired with a number of men to the church, where Mr. Grimwood with some dozen workmen was busy in getting out the fittings and pannelling of the old pews, ready for the sale. Mr. Cardinall read the notice, and bade Mr. Grimwood desist. Mr. Grimwood laughed and said, "I will remove them in spite of you or your notice." Thereupon orders were given to the men to proceed with their work, and a fight ensued. Mr. Cardinall was knocked against an iron gate, fell down, as he says, to avoid being forced on the spikes, and was bruised and injured. One of his companions, Loft, was wounded in the face. Another was threatened with a carpenter's axe. Mr. Grimwood describes the affair as a scuffle, in which one of Mr. Cardinall's men was injured by a board falling on him.

Meanwhile, Mr. Cardinall and his party, though defeated in the churchyard, were winning the day more quietly, but more safely, in Lincoln's-inn. The bill was filed the same morning, the injunction was obtained, and a telegraphic despatch, with notice of the order restraining the sale, was hurried off with all speed to Sudbury. It was a neck-and-neck race, for the sale of the church fittings was proceeding as rapidly as the auctioneer could get through the lots. The railway clerk at Sudbury received the message at 4·35. At

4·37, as he states with ostentatious exactness, he served it upon Mr. Rolfe, who was then on the market hill in the act of selling lot 84. Mr. Rolfe, as the plaintiff's witnesses say, read the paper, knocked down the lot, and continued the sale, amidst much unusual laughter, for nearly half an hour. There were ten lots remaining. He himself declares that he put up the lot, and then began reading the message and selling the lot at the same time. When he had knocked it down, he signed the message in the usual way. He denied that he laughed, or affected to treat the notice with contempt. He swore he did not believe that lot 84, which consisted of old boards, contained anything which came out of the church, and he satisfied himself that none of the remaining ten lots formed part of the church materials before he sold them. According to the auctioneer's own statement, therefore, eleven of the lots were, by a not uncommon artifice, included among the rest, and advertised for sale as materials from St. Gregory's church, though not really forming part of such materials.

Mr. Molyneux was present, and so was Mr. Grimwood. There are great differences of statement as to whether the latter knew of the telegraphic message or not. Mr. Harding, an artist, deposed that he was present at the sale, and conversed with Mr. Grimwood. Mr. Grimwood was talking to him about the sale, and observed that he had had a regular "spree" at the church, and that he was rather too strong for Mr. Cardinall. Mr. Aprill, one of the defendant's witnesses, on the other hand, said that he saw Mr. Harding shortly before he made the above affidavit, and that he had been drinking freely before he went to the solicitor's office to do so. Other witnesses said they believed Mr. Grimwood and several of the buyers knew the contents of the message; but a Mr. Jefferies, late sergeant in the army, distinctly swore he was the first to tell him of it at seven in the evening. Meanwhile, at about five o'clock, the sale was concluded; regular notice of the injunction was served on the parties; on Mr. Grimwood, as the solicitor and his clerk said, at a quarter past five; or, as he said, at half-past six; and later in the evening on Mr. Molyneux and Mr. Rolfe. It was sworn by two of the purchasers that some of the lots were not removed until twenty minutes to six; but the auctioneer swore that there was no delivery of the lots on his part otherwise than by knocking them down. On the same evening, the 31st, notice of motion for the 4th of April, to commit Messrs. Grimwood and Rolfe for contempt of the injunction, was served on all three defendants.

Mr. Molyneux meanwhile continued his measures. He proceeded under the friendly, and afterwards the professional, advice of Mr. Butterfield, to take up the floor of the church, to open a hole in the wall for an air-drain, to throw open the lower space, and to remove the rows of bricks with which the west window was blocked up. A supplemental bill was filed on the 4th by the plaintiff, alleging these facts, and praying for another injunction. This was afterwards granted on the 21st of April. The motion to commit was to have come on at the same time, but the two applications stood over till the 12th of May.

During the interval Mr. Molyneux persevered. On the same afternoon of the 21st of April, the Thursday before Easter, Mr. Molyneux and his churchwarden, Mr Hasell, published hand-bills announcing that though the repairs of the church were incomplete, still *in order to carry out the original intention and to prevent disappointment to the parishioners*, it was determined to use the church on the afternoon of Easter Sunday next. On the same day about 200 chairs were placed in the church. On the following Saturday, Mr. Cardinall and Mr. Gooday, his solicitor, proceeded to the church and were admitted. Upon entering they found Mr. Molyneux, the Rev. Mr. Green, his curate, and the Rev. Mr. Edward Pemberton, a former curate. Mr. Gooday expressed his surprise at what he saw, having understood that nothing was to be done till the hearing of the cause. He added that the arrangements of the church had been just what was complained of, and he thought Mr. Molyneux had brought himself within the terms of the injunction. To this Mr. Molyneux only bowed. The chairs were then set in rows and were being fixed with ropes. Mr. Pemberton, the late curate, followed Mr. Cardinall down the aisle, using, as the churchwarden deposed, the most irritating language, and stating that he did not care for his proceedings (Mr. Pemberton, be it observed, was no party to the suit); that they would make him (Mr. Cardinall) bankrupt for the costs, and make him pay it in gaol. Mr. Cardinall added that his solicitor remonstrated with Mr. Pemberton, and he believed it was Mr. Pemberton's wish and intention to cause a breach of the peace in the church, which Mr. Cardinall believes would have been the case had it not been for the presence of Mr. Gooday, the solicitor. On Easter Sunday, in the afternoon, service was resumed. Mr. Molyneux had no pulpit, and was obliged to preach standing on the seat of one of the stalls in the chancel.

The two motions were heard, as we have said, on the 12th of March. On the question of the injunction, an array of affidavits was filed by rival adherents on either side. The popular view, represented by the plaintiff, Mr. Cardinall, was supported by Mr. Potter, farmer; Mr. Parmenter, gentleman; Mr. Killick, a church-goer; Mr. Ely, jeweller and general dealer; Mr. Welham, provision merchant; Mr. Ginn, builder, whose brother put up the gallery; Mr. Hansell, hotel keeper; Mr. Meeking, magistrate, and late churchwarden; Mr. Jones, builder; Mr. Gross, innkeeper, who said he lived 500 yards from the church, and that he had no intimation or knowledge of the intended destruction of the interior until he saw the hand-bill on the 30th of April; Mr. Purr, member of the corporation and poor-law guardian; Mr. Sikes, magistrate, and Mr. Poley, late mayor and under-sheriff. Mr. Gooday, the solicitor, in his affidavit, described a meeting for the election of churchwardens for the parish which took place on the 28th of April. As soon as the proceedings commenced, Mr. Molyneux being in the chair, W. W. Humphrey, Esq., of Sudbury, barrister-at-law, who was a parishioner, addressed the meeting to the effect that he was an old man, and had been a life-long attendant at the parish church; that his family and children were interred within the walls; that he felt as deep an interest in the church as the incumbent; that he warned the incumbent the present proceedings would do more harm than fifty sermons would do good, and that he came there as the oldest parishioner to protest against the clandestine, violent, and lawless proceeding of the incumbent in removing the pews and gallery from the church, which he considered an aggression upon his rights and those of the other parishioners. Mr. Humphrey then left, having recorded his vote for the plaintiff, who was re-elected by a large majority.

Mr. Molyneux, on the other hand, said that out of the twenty-three deponents who had made affidavits on the side of the deponent (some of them being on the question of the attachment), excluding the plaintiff, his solicitor, and solicitor's clerk, four only were parishioners, and of those four one was a dissenter. Amongst those who were favourable to the alterations in the church, and to the chair system as opposed to pews, several of whom also said that the proceedings of Mr. Cardinall were supported by dissenters, and were undertaken out of hostility to the incumbent, and from factious motives, were the Rev. Mr. Pemberton, the late curate; Mr. Scott, the sexton; Mr. Bevan, banker; the Rev. Mr. Badham, vicar of All Saints, Sudbury; Mr. Clubb, parish clerk; Mr. Jefferies, the ex-sergeant; Mr. Gager, ratepayer; Mr. Pitcairne, a resident inhabitant; Mr. Westoby, saddler; Mr. Spooner, owner of property in the parish; Mr. Mason, surgeon; the Rev.

Mr. Foster, rector of Foxearth; Mr. Bland, builder and timber merchant; Mr. Green, builder; Mr. Lynch, surgeon; Mr. Making, who assailed Mr. Parmenter's evidence; the Rev. Mr. Gray, a rated inhabitant; and Mr. Digby, an inhabitant. Mr. Scott, the sexton, and a witness named Andrews, ascertained that Mr. Cardinall had not qualified as churchwarden at the last visitation.

At the hearing a point of law was raised as to the plaintiff's right to relief, and as to whether the Attorney-General should not be a party to the suit; but the result was that his Honour Sir John Stuart, V.C., after a most patient hearing of the case, had no doubt about the laudable motives of Mr. Molyneux, but recommended him to proceed more quietly. The order for the injunction was made. At the same time the Vice-Chancellor directed that the plaintiff and the defendants should be at liberty to lay proposals before the judge in chambers, "for fitting up the interior of the parish church, and providing proper accommodation therein for the minister and parishioners of the parish for the performance of Divine Service, but such proposals were to be subject to the approbation of the bishop and archdeacon of the diocese of Ely." On the motion for attachment his Honour thought there had been no deliberate intention to break the injunction; but after remarking on the conflict of evidence as to the time of service, he felt bound to conclude that the notice was served on Grimwood by Mr. Drew at about a quarter past five, and, therefore, adjudged the conduct of the two defendants, Grimwood and Rolfe, to have been improper, and that they were in contempt. He condemned them each to pay £15 towards the cost of the motion, but on their expressing their contrition, made no further order on the motion.

Soon after the plaintiff had obtained this favourable decision, it appears that some apprehension was felt as to the jurisdiction of the court; for on the 26th of May the bill, which prayed for an injunction in the usual manner, was amended by adding to the prayer the words "until a faculty for the purpose has been duly obtained." Meanwhile the course marked out by the order of the 12th of May was pursued. Proposals for fitting up the interior were submitted by both parties to the Bishop of Ely; differing, as may be supposed, in several points, of which the question of the sittings was the most prominent. The plaintiff's proposal was that the pews which had been removed should be replaced. That of the defendant was to provide benches for seating the congregation "*as far as the present seating by chairs and benches is insufficient.*" The only other substantial point of difference was as to the position of the organ. The bishop's reply to the two sets of suggestions was cautious and somewhat enigmatical in one respect, and very decisive in another. It was as follows: "The bishop has no knowledge what kind of pews were in the church before; he suggests for the consideration of the parties whether a better method may be adopted at no greater cost. His lordship will be ready to consider any new plan; and if no better than the old one can be suggested and agreed on, let the old pews be replaced. The bishop has no objection to the north and south sides being benched as at present. The bishop has the strongest objection to chairs." This answer was given in August. Plans were therefore forwarded, and a new set of episcopal observations returned, part of which was as follows: "The bishop considers that the centre of the church should be filled up with single pews *according to the plan of pews in modern churches.*" A reply which still left open the all important issue of what was the plan of pews in modern churches. At the same time the bishop strongly and repeatedly urged the necessity of obtaining a faculty. The papers were all laid before the chief clerk; and the matter stood over to enable Mr. Molyneux to apply for a faculty according to the bishop's directions.

The expense of obtaining a faculty appears in some instances to be very considerable. Mr. Butterfield states that in the course of a large experience in superintending the repairs and alterations of churches, he knows of only a few instances of a faculty; and that it is scarcely ever applied for when the expenses have been met by private contributions and not by a church rate, owing to the expense. From this it appears that a reduction in the fees or an alteration in the procedure, might be attended with pecuniary advantage to the court. Evidently unless some such improvement is made, the diocesan Chancellors must expect to see an important part of their functions in part discharged by a cheaper, and quite as speedy and efficacious a process in Chancery.

Mr. Molyneux's petition was presented to the Chancellor of the diocese of Ely. It set forth that the church of St. Gregory, Sudbury, was in a dilapidated condition and required several alterations, and amongst the works specified was the following:—"*In addition to the present accommodation,* to complete the seating of the church with benches similar to the best of those now in the church." In other words, the present chairs were to remain. In May the citation issued, and cause was shown at St. Mary's, Cambridge, on the 9th of June last. A previous attempt at arrangement with Mr. Molyneux had failed. Finally, on the day last mentioned, the plaintiff's solicitor having appeared and opposed the granting of the faculty, and Mr. Molyneux refusing to modify his application, the Court refused to decree the faculty, on the ground, as alleged, that Mr. Molyneux did not propose to carry out the refitting of the church in accordance with the bishop's suggestions and approval.

This was a second reverse for the incumbent. The matter now fell of necessity into the hands of the chief clerk, who prepared a scheme, in which the more important question was dealt with in this way:—"The church to be properly floored and fitted up with single pews, according to the plan of pews in modern churches (here following the bishop's language), or with open benches. The question of the general style and character of the pews or benches to be settled in the proceedings requisite for obtaining a faculty." The scheme was certified to have been approved of by the bishop and archdeacon of the diocese, as was admitted by both sides. It was also approved by the judge in chambers; and on the 13th of March last, the injunction was made perpetual, and *the costs of the suit were ordered to be paid* by the defendants, the Rev. Mr. Molyneux, H. Grimwood, and Rolfe.

It is not necessary for us to attempt to point a moral in this case, or to pronounce commonplaces on the punishment that awaits the unlawful violation of rights of property, undertaken with what laudable motive soever. The argument is more worthy of notice which is implied in the remark of Mr. Butterfield. "The principal object of the defendant was, to provide free accommodation for all the parishioners, in the place of the appropriated pews which before nearly filled the church, and prevented the poorer classes of the parishioners from finding room in the church, and this object was gained by the entire removal of all the pews and the substitution of benches and chairs, such as those now in use at St. Paul's Cathedral and Westminster Abbey." In other words, if certain London congregations have from choice adopted chairs instead of pews, why should the people of Sudbury complain? But the case seems to show that the people did more than resent the unauthorized destruction of their pews and gallery; they refused to have chairs under any circumstances, and Mr. Butterfield will not deny the essentially different character of the two congregations—one an assembly of strangers, the other of townspeople and neighbours, with all the varied feelings which intimate knowledge of each other and their concerns must necessarily inspire. Without saying whether there ought to be a distinction in the two cases, it is sufficient that the

grounds for it are real and existing, and are too substantial at present to give way to any of these doctrines of equality in religious ceremonial and practice which are urged by Mr. Molyneux and his friends. From this we turn to another consideration, namely, that had the Bishop of Ely been favourable to the use of chairs in parish churches, it seems probable that the faculty would not have been refused; and, in that case, the Chief Clerk's scheme would have been different from what it is. The Church party to which Mr. Molyneux and his friends are considered to belong, cannot consistently with their principles view this indirect exercise of episcopal authority with jealousy, though it has been adverse to the innovations of the incumbent of St. Gregory's.

On the whole, looking at the decision in *Cardinall* v. *Molyneux*, as an assertion of law and order, of the principle of "*fiat justitia*," though Mr. Molyneux would doubtless be ready to add the other clause of the proverb, we regard it with entire satisfaction; and in so far as it represents the feelings of the successful public of Sudbury, we think it gives a result, not very flattering possibly to their advance in ecclesiastical taste, but, when the circumstances of the parish are considered consistent, on the whole, with reason and common sense. The suit affords at all events a strong testimony to the superiority of such a tribunal as the Court of Chancery over Diocesan Courts, for the determination of causes like *Cardinall* v. *Molyneux*. It would have been impossible to have found in any of the latter a judge of so great authority, learning, and experience, as a Vice-Chancellor. In the present case, indeed, all the parties to the suit, and all the friends of the Church, are under no little obligation to the Vice-Chancellor Sir John Stuart, for the signal moderation and regard for the interests of the Church, and for the pains which he took to compose differences, throughout this bitter and troublesome contest.

The English Law of Domicil.

(By Oliver Stephen Round, Esq., of Lincoln's-inn, *Barrister-at-law.*)

IX. (*Continued.*)

As Scotland may, for many legal purposes, be considered as a foreign country, it is as well to observe that it has been held that the statute of limitations runs against a party who had contracted a debt in England by simple contract, and come to Scotland where he remained domiciled. *Gibson* v. *Stewart*, Dec. of Court of Sess., vol. 9, p. 525. It has also been held that where money was lent on a bond in the English form, the transaction taking place between parties domiciled in England, and the obligor afterwards gave a heritable bond charging lands in Scotland, the English bond was a mere personal security, and did not merge in the *jus nobilius*. *Cust* v. *Goring*, 18 Beav. 383. *Lamb* v. *Lamb*, 5 W.R. The priorities of creditors also are regulated by the domicil of the testator, though his personal estate may be situate and administered in another country. *Wilson* v. *Lord Dunsany* 18 Beav. 293.

A most important, as well as interesting part of this subject is with regard to marriages celebrated in a foreign country, and more especially where both the ceremonial and the actual ability to contract are not valid according to our law. Now, in the former case, there can be little doubt, and indeed, I believe, it is admitted, that a marriage contracted according to the *lex loci* is good, supposing the parties may legally contract such marriage, according to the provisions of our law—the only exception being where such foreign country is a colony appendant to Great Britain, in which case the law of Great Britain would apply not only to the marriage (as affecting the parties to it), but to the actual ceremony. But in the latter, it is now well settled that nothing can make a marriage between British subjects legal, which marriage is not legal according to our law; and although it may be a perfectly good marriage as long as they remain within the pale of those foreign states, (so far, that is, as any question may there arise,) by the laws of which it is declared to be lawful, it becomes bad, or rather the law attaches (for it always was bad by our law) the moment they come within our jurisdiction. As regards Scotland, the law on this subject, as indeed in many others, is, as regards that country, in a very anomalous state. The Act 5 & 6 Wm. 4, c. 54, which has made the marriage with a deceased wife's sister void, does not extend to Scotland; and indeed, it was quite unnecessary that it should, inasmuch as such marriage, though the ceremony may take place unquestioned, is penally recognised when once contracted, and punished accordingly, very much in the same way as bigamy in England; the marriage, so far as the relative position of the parties goes in consanguinity, is good; but the man by reason of a previous act, the consequences of which are still subsisting consequences, is disabled from contracting it, that is, he renders himself penally liable if he does so. So that a man domiciled in England may marry his deceased wife's sister in Scotland; but the moment he is indicted under the Scotch law, plead that it is no marriage. This subject, however, is fully discussed in a case of *Brook* v. *Brook*, of which I insert an extract from a report in the Weekly Reporter, 6 vol. p. 110. This case came before the Vice-Chancellor Stuart and Mr. Justice Cresswell, and was argued in March, November and December, 1857, and the following were the facts:—B. by his first wife C. who died in 1841, had one son and one daughter. In 1851, he being then a domiciled English subject intermarried in Denmark with E. the sister of his deceased wife (such marriage being valid according to the *lex loci contractûs*) by whom he had one son and two daughters. By his will, dated in 1855, he gave all his real and personal estate among the children of both marriages in certain proportions. The testator B. and his second wife E. died in 1855, and the son of their marriage in 1857. The question then arose whether the share of this son in B.'s estate went, as to the realty to B.'s son by the first marriage, and as to the personalty to all B.'s children equally, or whether such share, both as to realty and personalty, passed to the Crown by reason of the invalidity of B.'s second marriage in this country, and consequent illegitimacy of the issue.

Upon the effect of a foreign contract the following authorities were referred to:—*Butler* v. *Freeman*, 1 Amb. 301; *Compton* v. *Bearcroft*, cited 2 Hagg. Cons. Rep. 443; and "Buller's Nisi Prius," 6th ed. 113; *Fenton* v. *Livingston*, 18 Fraser; and "Story's Confl. of Laws," ss. 66a, 97, 98, 112, 123, & 123a. The writer last mentioned showed that such marriages as the present, if valid in the country where celebrated, must be equally so in all other countries by the comity of nations. Sir F. Kelly also cited *Ruding* v. *Smith*, 2 Hagg. Cons. Rep. 371; *Thompson* v. *The Advocate-General*, 13 Sim. 153; s. c. 12 Cl. & F. 1; *Roach* v. *Garvan*, 1 Ves. sen. 157; *Middleton* v. *Janverin*, 2 Hagg. Cons. Rep. 437; and "Story's Confl. of Laws," s. 124.

On the other hand, the 26 Geo. 2, c. 33, for the better prevention of clandestine marriages, was for a century evaded, by parties intending to marry going to Scotland or abroad. Two years after the passing of that Act Lord Hardwicke held, although the words of that enactment were stronger than those of 5 & 6 Wm. 4, c. 54, that it did not affect the marriage of British subjects in foreign countries. This distinction was very strongly remarked upon by Lord Brougham, in 11 Cl. & Fin. 150-1. The following authorities were

also referred to:—"Story's Conflict of Laws," 115; *Medway* v. *Needham*, 16 Massachusetts Reports, 157; *Dalrymple* v. *Dalrymple*, 2 Hagg. Cons. Rep. 58; *Herbert* v. *Herbert*, ib. 263; 3 Phill. Eccl. Rep. 58; *Scrimshire* v. *Scrimshire*, 2 Hagg. Cons. Rep. 395; *Lacon* v. *Higgins*, 3 Stark. 178. "Story's Confl. of Laws," s. 121; 25 Hen. 8, c. 22; 4 Wm. 3, c. 3, and 2 Anne, c. 6. *Huber Prelectiones Juris Romani et Hodiurni, in* "*De Conflictu Legum*," p. 2, b. 1, tit. 3, ss. 3, 8, et seq. ed. 1689. *Jefferys* v *Boosey*, 4 Ho. Lds. Ca. 815; *The Attorney-General* v. *Forbes*, 2 Cl. & Fin. 48; *Thompson* v. *Advocate-General*, 12 Cl. & Fin. 1; *Arnold* v. *Arnold*, 2 Myl. & Cr. 256, 270; and the dictum of Pollock, C. B., in *Jeffery* v. *Boosey*, *ubi suprà*, 939; and that of Lord Cottenham, C., in *Arnold* v. *Arnold*, 270; and to *Regina* v. *Chadwick*, 11 Q. B. 173. *Conway* v. *Beazley*, 3 Hagg. Eccl. Rep. 651; *Warrender* v. *Warrender*, 2 Cl. & Fin. 488, 530; *Rex* v. *Lolley*, Russ. & Ry. C. C. 237; *Greenwood* v. *Curtis*, 6 Massachusetts Rep. 378. 379; "Story's Confl. of Laws," s. 97 (opinion of Lord Meadowbank there cited), and ss. 100, 103, 104. "Story's Confl. of Laws," ss. 20, 262, 291; "Voet's Commentaries," b. 1, tit. 4, ss. 1, 2, et seq. *Sheddon* v. *Patrick*, 5 Paton's App. Cas. 194; s. c. 1 Macq. Ho. Lds. Ca. 535; *Birtwhistle* v. *Vardill*, 2 Cl. & Fin. 571; 7 Cl. & F. 918, 935; *Munro* v. *Munro*, ib. 842. "Burge's Commentaries on Colonial and Foreign Law," p. 1, ch. 5, s. 1147. Huber (lib. 1, tit. 3, "De Conflictu Legum," s. 2, 538) on the comity of nations as applicable to this subject has this passage:—"That the rulers of every empire from comity admit that the laws of every people in force within its own limits ought to have the same force everywhere so far as they do not prejudice the powers or rights of other governments or of their citizens." By the comity of nations, a foreign country is bound to take the rule of our own law on this subject as applicable to our own domiciled subjects. *Rose* v. *Rose*, 4 Wils. & Shaw. 289; *Harford* v. *Morris*, 2 Hagg. Cons. Rep. 423; *Scrimshire* v. *Scrimshire*, ib. 407. *McCarthy* v. *Decaix*, 2 Rus. & Myl. 614; *Sherwood* v. *Ray*, 1 P. C. C. 353, 396; *Forbes* v. *Cochrane*, 2 Bar. & Cress. 448, 470; *Ray* v. *Sherwood*, 1 Curt. Eccl. Rep. 173, 193. Saint Joseph, 2 Concordance entre les Codes Civils Etrangers, 139. In *Male* v. *Roberts*, 3 Esp. 163, Lord Eldon held that the law of the country where the contract arose must govern the contract. In that case the cause of action accrued in Scotland, and infancy was pleaded, and it was decided that the defendant must show that infancy was a legal defence to the demand by proving the law of Scotland in that respect. So also, in *De la Vega* v. *Vianna*, 1 B. & Ad. 284, which was a suit between parties resident in England on a contract made between them in a foreign country, it was held that the contract must be interpreted according to the foreign law. Stuart, V.C., (Nov. 25), said that the case was by far too important to be dealt with except upon mature consideration. On the 4th December, Cresswell, J., delivered his opinion upon the case stating the facts, and observing upon the various authorities and arguments adduced: his lordship observed that Sir George Hay, in pronouncing judgment in *Harford* v. *Morris*, 2 Hagg. Cons. Rep. 423, expressed an opinion that marriages of English subjects having an English domicil celebrated in other countries have been held valid—not merely because they would be valid according to the laws of those countries, but because they were not contrary to the law of England. In p. 434 he says, "I do not say that foreign laws cannot be received in this court in cases where the court of that country had a jurisdiction, or that this court would not determine upon those laws in such a case. But I deny the *lex loci* universally to be a foundation for the jurisdiction, so as to impose an obligation on the Court to determine by those foreign laws." The judgment in that case was reversed, but upon grounds wholly irrespective of the opinion above cited. It therefore remains of such value as the reputation of the learned judge by whom it was pronounced can give to it. And in *Warrender* v. *Warrender* 2 Cl. & Fin. 488, 530, there are some passages in the judgment delivered by Lord Brougham which throw much light on this question. In one place he says, "The general principle is denied by no one that the *lex loci* is to be the governing rule in deciding upon the validity or invalidity of all personal contracts. But the rule extends, I apprehend, no further than to the ascertaining of the validity of the contract, and the meaning of the parties; that is, the existence of the contract, and its construction." The case of *Reg.* v. *Lolley* (*ubi suprà*), although not directly in point, almost compels one (if it be good law) to adopt that opinion. The case was this:—An Englishman married in England. He afterwards went to Scotland, and obtained a divorce there, which according to the law of that country dissolved the marriage. He then returned to England, and married another woman, leaving the first wife, for which he was indicted, tried, and convicted. The propriety of that conviction was argued by very able counsel before the twelve judges, and, by their unanimous opinion, was held to be correct. The learned judge then went on to say, "There are some passages in 'Huber's Prelectiones Juris Civilis' which show that, in his opinion, the *comitas gentium* did not require so large an effect to be given to foreign law. In his chapter 'De Conflictu Legum' he states, in s. 2, three axioms:—'1 Leges cujusque imperii vim habent intra terminos ejusdem reipublicæ, omnesque ei subjectos obligant, nec ultra. 2. Pro subjectis imperio habendi sunt omnes qui intra terminos ejusdem reperiuntur, sive in perpetuum sive ad tempus ibi commorentur. 3. Rectores imperiorum id comiter agunt ut jura cujusque populi intra terminos ejus exercita, teneant ubique suam vim quatenus nihil potestati aut juri alterius imperantis ejusque civium prejudicetur.' There is nothing in the case of *Roach* v. *Garvan*, Ves. sen. 157, to show that if the parties had been British subjects domiciled in England, and it had been contrary to our law, and the courts of this country had been called upon to adjudicate with regard to it, they would have held it valid The next case in order of time was *Scrimshire* v. *Scrimshire*, 2 Hagg. Cons. Rep. 395." In a subsequent part of the judgment he continued, "I have found nothing to justify giving the more extensive meaning of the words of Lord Stowell except some passages in Mr. Justice Story's work on the "Conflict of Laws," and a decision cited by him from the reports of the Court of Massachusetts; and perhaps this greater force given in one of the United States to the laws of another at variance with its own may be accounted for by the greater inclination that would naturally exist to give a larger scope to the *comitas gentium* between the different states of the Union than could be expected to find place amongst nations wholly independent of, and unconnected with, each other. I have therefore come to the conclusion that a marriage contracted by the subjects of a country in which they are domiciled in another country is not to be held valid if by contracting it the laws of their own country are violated." Vice-Chancellor Stuart subsequently delivered judgment, in which he concurred substantially with the opinion delivered by Mr. Justice Cresswel.

(To be continued.)

The Courts, Appointments, Promotions, Vacancies, &c.

CENTRAL CRIMINAL COURT.

The sittings of the Central Criminal Court for the April session were resumed on the 8th inst. bfore the Right Hon. W. Cubitt, M.P., Lord Mayor of the city of London; Mr. Rus-

sell Gurney, Q.C., the Recorder; Aldermen Challis, Sir F. G. Moon, Hale, Allen, and Dakin, Mr. Alderman and Sheriff Abbiss, Mr. Sheriff Lusk, Mr. Under-Sheriff Eagleton, Mr. Under-Sheriff Gammon, &c.

Mr. Herbert Arrott Browning has been appointed to a clerkship in the Duchy of Lancaster.

The office of resident assistant commissioner of the copyhold enclosure commission has become vacant by the death of Colonel Robert K. Dawson, C.B.

The recordership of Leeds has become vacant by the death of Mr. Thomas Flower Ellis, barrister-at-law, who died at his residence in London on the 5th instant. The Attorney-Generalship of the Duchy of Lancaster has also become vacant by the same sad event.

It is stated that Mr. Edwin James, Q.C., has resigned the recordership of Brighton. The salary is £200 per annum.

Parliament and Legislation.

HOUSE OF LORDS.

Tuesday, April 9.

LUNACY REGULATION BILL.

In the absence of the Earl of Shaftesbury the committee on this Bill was postponed.

BANKRUPTCY AND INSOLVENCY BILL.

This Bill having been read a first time,

The Earl of DERBY thought it would be advisable to refer the Bill to a select committee, as a Bill of so complicated a character could be better considered by a committee composed of noble lords who took an interest in legal and mercantile subjects, than by a committee composed of the entire of their Lordships' house.

The LORD CHANCELLOR opposed referring the Bill to a select committee, as he had every reason to believe it would receive a full and satisfactory consideration without the intervention of a select committee.

Tuesday next was then fixed for the second reading.

Thursday, April 11.

PRIVATE BILLS.

Lord REDESDALE moved the following resolutions:—

"That no private Bill brought from the House of Commons shall be read a second time after Tuesday, the 9th day of July next;

"That, no Bill confirming any provisional order of the Board of Health, or authorizing any enclosure of lands under special report of the enclosure commissioners for England and Wales, or for confirming any scheme of the charity commissioners for England and Wales, shall be read a second time after Tuesday, the 9th day of July next;

"That when a Bill shall have passed this House with amendments, these orders shall not apply to any new Bill sent up from the House of Commons which the chairman of committees shall report to the House is substantially the same as the Bill so amended."

The resolutions were agreed to.

Lord REDESDALE said the House having agreed to these resolutions, he wished to state that he would not give notice of any similar resolution regarding public Bills. He had come to this conclusion, not because he had changed his opinion on the subject, but because he thought it better to see what recommendations would be made by the committees of both Houses now sitting on the public business. The resolution come to formerly on this subject had been disapproved by several members; but he could show a precedent for it in the proceedings of their lordships' House as far back as 1668.

HOUSE OF COMMONS.

Monday, April 8.

BANKRUPTCY AND INSOLVENCY BILL.

On the motion that this Bill be read a third time,

Mr. VANCE said that there was still a strong objection to that provision of the Bill which took away nearly altogether the power of supervision from the official assignee. He hoped that the provision in the Bill, in respect to the new act of bankruptcy created by persons suffering execution to be levied on their property, would be altered; for it took away all the reward to which a man might be entitled for diligence in proceeding against his debtor.

The Bill was then read a third time and passed.

Wednesday, April 10.

NEW SITE FOR LAW COURTS.

The ATTORNEY-GENERAL gave notice that on Thursday, the 18th inst., he should move for leave to bring in a Bill or Bills to provide for the concentration in one place of all the superior courts of law and equity, including the Courts of Admiralty, Probate, Divorce, and Bankruptcy, and the offices connected with them, and for the application of certain funds of the Court of Chancery for the purchase of the site of such courts and offices, and for the erection thereof.

Thursday, April 11.

NEW WRIT.

On the motion of Mr. BRAND, a new writ was ordered for the borough of Marylebone, in the room of Mr. Edwin James, who since his election has accepted the office of steward of the manor of Northstead.

ADMIRALTY COURT JURISDICTION BILL.

The Admiralty Court Jurisdiction Bill [Lords] passed through committee.

COMMON LAW PROCEDURE ACT (1854).

Mr. LOCKE obtained leave to bring in a Bill to extend the Common Law Procedure Act (1854); and the Bill was read the first time.

PENDING MEASURES OF LEGISLATION.

VOLUNTEERS.

A BILL TO EXEMPT THE VOLUNTEER FORCES OF GREAT BRITAIN FROM THE PAYMENT OF TOLLS.

1. From and after the passing of this Act all volunteer officers and soldiers being in uniform shall be exempted from payment of any dues, duties, pontage, or tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or in passing over or along any turnpike or other roads or bridges, any Act or Acts to the contrary notwithstanding.

2. No toll or pontage shall be demanded or taken at any turnpike gate or bar or at any bridge for any horse, mare, gelding, carriage, waggon, cart, or car ridden by, drawing, or conveying any volunteer officer or soldier who shall at the time be wearing uniform, or conveying any baggage belonging to any volunteer officer or soldier, anything in any Act or Acts to the contrary notwithstanding.

3. Any toll collector or other person who shall take, demand, or receive any toll whatsoever from any volunteer officer or soldier, being in uniform, either for himself or for any horse, mare, gelding, carriage, waggon, cart, or car on or in which he may be riding, or which may be conveying any baggage belonging to any volunteer officer or soldier, shall, on conviction by any justice of the peace, forfeit and pay for every offence a sum not exceeding five pounds nor less than twenty shillings.

4. Any person who shall falsely personate or represent himself to be a volunteer officer or soldier with the view fraudulently of evading any toll to which he would otherwise be liable, shall, on conviction by any justice of the peace, forfeit and pay for every offence a sum not exceeding five pounds nor less than twenty shillings.

PUBLIC CHARITIES.

A BILL TO FACILITATE THE APPOINTMENT OF NEW TRUSTEES IN PUBLIC CHARITIES.

1. Provides that the Act shall apply to all public charities (not incorporated) in England and Wales.

2. Where any vacancy in the number of trustees in whom any property may be vested, shall have happened, and persons duly qualified to fill such vacancy shall have been elected a certificate of such election, and that it was legally made according to the form or to the effect mentioned in Schedule A of the Act signed by the chairman for the time being of the meeting at which such election shall be made, and attested by two witnesses, together with a solemn declaration made by such chairman as aforesaid, in pursuance of the fifth and sixth of King William the Fourth, and according to the form or to the effect contained in Schedule B. of the Act may, with-

in three calendar months after such election shall have been made, be presented to the judge of the county court of the district wherein such charity is situate; and within one calendar month after the receipt of such certificate of election and declaration the said judge shall issue a certificate of confirmation under his hand and the seal of his court, according to the form contained in Schedule C. of the Act, and such certificate of confirmation, with such certificate of election and declaration thereto annexed, shall be registered in the office for the general registration of the judgments of county courts, and on such registration such certificate of confirmation shall, in the absence of evidence to the contrary, be received as conclusive evidence of such certificate of confirmation having been signed by the said judge, and sealed with the seal of the said court, and of its having been registered as aforesaid, and of the truth of all the facts, matters, and things contained in such certificates of confirmation and election and declaration, and of the provisions of this Act having been duly complied with.

3. On the registration of such certificate of confirmation, with such certificate of election and declaration thereto annexed, all property vested in trustees in trust for such charity shall vest in the trustees named in such certificate of election and declaration: provided that no copyhold or customary lands holden in trust for such charity shall vest in such trustees until the consent in writing of the lord or lady of the manor whereof such lands shall be holden shall have been entered on the court rolls of such manor, together with a memorandum of such certificate of confirmation as aforesaid.

4. Where any trustees of any public charity in whom any property is vested in trust for such charity shall be desirous of retiring from such office of trustee, or for the space of twelve consecutive calendar months shall have been absent from the United Kingdom of Great Britain and Ireland, in either of such cases a vacancy shall be deemed to have happened in the number of the trustees of such charity, and it shall be lawful for the person or persons duly authorized to fill up any vacancy to elect or appoint a trustee or trustees in the place of such retiring or absent trustee.

5. Provides for the payment of the fees and states the effect of the registrar's certificate.

Recent Decisions.

REAL PROPERTY AND CONVEYANCING.

EQUITABLE MORTGAGE POSTPONED TO UNDISCLOSED PRIOR TRUST.

Stackhouse v. *The Countess of Jersey*, V. C. W., 9 W. R. 453.

The danger of taking an equitable mortgage, where the property mortgaged may be subject to an undisclosed trust, has been illustrated by several cases; but it seems that the convenience of the practice is thought to counteract its insecurity, and bankers persevere in lending money upon deeds with almost as much confidence as upon bullion. A remarkable example of the danger of this practice was furnished by the case of *Manningford* v. *Toleman* (1 Coll. 670), in which a very curious state of circumstances came before Vice-Chancellor Knight Bruce. There had been a marriage of a lady whose fortune was under the control of the Court, and the arrangements which enabled the husband to commit a fraud were made with the sanction of the Master. A sum of £2,000 was paid to the husband out of Court, upon his undertaking to apply it in the purchase of a suitable house for himself and wife, which he was to convey to the trustees of his marriage settlement upon certain trusts. He purchased a house accordingly, and having procured it to be conveyed to himself in fee, he deposited the title-deeds with his bankers, as a security for advances, without notice to the bankers of the trusts of the settlement. It was held that the trusts must prevail against the bankers' lien. Vice-Chancellor Knight Bruce said he thought that at the moment of the purchase a trust was fastened upon the property. "Consistently with all the authoritative decisions since the Statute of Frauds, the estate was bound by the trust. The husband was as completely a trustee of it as if he had executed a declaration of trust, not conveying the legal estate. The trustee thus holding the trust property pledged it for a debt of his own. According to the principles of this Court, and the course of decisions, the prior trust must prevail." The bill had been brought by the bank to establish its lien, and the Vice-Chancellor asked the plaintiff's counsel whether they were willing to give up the deeds, and upon their agreeing so to do, the bill was dismissed without costs. It is to be observed that the Court did not go into the question whether the bank had notice, but decided against it on the assumption that it had none. It would seem, however, that, supposing the bank to be innocent, the Court would not have taken the deeds away from it, although it would not have been allowed to make any beneficial use of them. The trustees, who had got the legal estate by conveyance from the husband, would probably have been left to recover them by an action.

The lesson which the above case ought to have inculcated on bankers has been renewed in a very striking manner by the recent case which has suggested this article. That case arose out of a fraud perpetrated by the too well known solicitor John Edward Buller. The plaintiff, Mrs. Stackhouse, and her sister, who was Buller's wife, became entitled, on the death of their mother, to £1,000 each. Both sums were received by Buller, and on Dec. 3, 1849, were advanced by him in one sum on mortgage in his own name. In July, 1851, Mrs. Stackhouse was for the first time informed, by a letter from Buller, that her money had been thus employed. Interest was paid to her, and upon her marriage, in January, 1856, Buller paid to her £100, and executed a declaration of trust of the remaining £900. The trustees of her marriage settlement frequently applied to Buller for the deeds relating to the mortgage, but were from time to time put off with promises. They applied to the mortgagor, who told them that he continued to pay interest to Buller, and had received no notice of any charge. Buller absconded and was declared bankrupt, and the plaintiffs then discovered that he had in March, 1854, deposited the mortgage deed at Child's bank as security for advances to him. Mrs. Stackhouse and her trustees had filed this bill to establish their right to the £900, in priority to any claim by the defendants. Messrs. Child, as equitable mortgagees. The substantial question between the parties could not, after *Manningford* v. *Toleman*, and other cases, be open to any serious doubt. Vice-Chancellor Wood said that Buller by his letter of July, 1851, had clearly recognized the trust. Unless there was such negligence as to deprive the plaintiffs of their right to the money secured by the deed, the deposit of that deed by the trustee gave no interest whatever to the bankers. This decision proceeded on the plain principle that a person could not pass that which was not his own. There had been no negligence. Buller was entitled in right of his wife to half of the money secured by the deed, and, therefore, it was not easy to say how he could have been compelled to deliver up the deed except by removing him from the trust. The application to the mortgagor did not elicit anything calculated to excite suspicion. If, therefore, this had been merely a question as to a fund *in medio*, the case would have been of the simplest character. Between two innocent parties, each having merely an equitable title, priority in time must decide the right. Messrs. Child would, therefore, lose their money, although the transaction was as prudent and business-like on their part as any transaction of the kind could be. We can only say that it is wonderful that such transactions should take place every day in the face of decisions which declare the risks in which they are involved. But although the principle which governed the case was so very clear, the Vice-Chancellor felt a good deal of difficulty from the frame of the suit and what had taken place since it was instituted. The suit was simply against the bankers, and the mortgagor was not a party to it. It asked for a declaration that the bankers were not entitled to an equitable charge on the mortgage debt of £2,000 for more than the £1,000, which belonged to Buller, and that the £900 belonged to the plaintiffs, for whom the defendants were in the nature of trustees. Now, if the suit had remained in this shape, the question would have arisen whether, unless the Court was prepared to disregard the decision of Sir Edward Sugden in *Joyce* v. *De Moleyns*, 2 Jo. & Lat. 374, the defendants were not entitled to have the bill dismissed on the ground that they were purchasers for value without notice of the plaintiffs' right. In order to understand the difficulty which thus arose it will be necessary to ascertain what Sir Edward Sugden's decision was.

In *Joyce* v. *De Moleyns*, a testator who died before the new Wills Act, devised all his right and interest in certain tithes to his second son W. At the time of making his will the testator was entitled to an equitable estate in fee simple in the tithes. The legal estate in fee was afterwards conveyed to him. Upon his decease administration with the will annexed was granted to his eldest son and heir-at-law, F., who obtained possession of

the deed of conveyance of the legal estate in the tithes and deposited it with certain bankers by way of equitable mortgage. This deposit was made without the knowledge of W., who from the decease of the testator had been in possession of the tithes, and had frequently applied to F. for the deed, but could not obtain it. The bill was filed by a bond creditor of the testator for administration of his estate, and it prayed that the bankers might be decreed to deliver up the deed. The bankers by their answer insisted that they were purchasers for valuable consideration without notice of the will of the testator, or of the title of any person claiming thereunder, or of the demand of the plaintiff. Lord Chancellor Sugden said it was clear that the persons entitled to the tithes might maintain trover for the deeds. There was no question as to their title to recover at law; but his Lordship apprehended that the defence of a purchase for value without notice was a shield as well against a legal as an equitable title. "I think," said he, "that the mere circumstance that this is a legal right is not a bar to the defence set up, if in other respects it is a good defence. That it is a good defence cannot be denied. Suppose a tenant for life under a will with remainder over, and that the tenant for life, being the heir-at-law of the testator, conveys the inheritance to a purchaser without notice, the remainder-man cannot have any relief in equity against the purchaser. He must establish his title outside of this Court as well as he can. It is the same with respect to title-deeds. Deeds are chattels; and, where no adverse claimant interferes, the person entitled to the estate is entitled to the deeds. But the person who has possession of the deeds may deal with them as with any other chattels, subject to the rights of those who are interested in them. Here a person obtains the possession of title-deeds, having no title to the estate. Another person advances money to him upon the security of a deposit of the deeds. The rule, therefore, comes into operation (for it applies equally to real estate and to chattels) that if a man advance money, *bonâ fide* and without notice of the infirmity of the title of the seller, he will be protected in this Court, and the parties having title must seek relief elsewhere. . . . . The defendants use the possession of the deeds, as they have a right to do, as a shield to protect them against the plaintiff. They can make no use of the deeds themselves; they cannot maintain possession of them against the true owner. But in this Court they have a right to say that they ought not to be compelled to deliver them up, as they obtained them *bonâ fide*, and without notice." The bill was dismissed as against the bankers with costs. The soundness of the above decision appears to be questioned in two respects. 1st, Lord Cottenham says in *Frazer* v. *Jones*, 17 L. J. N. S. Ch. 353, that it is the only instance in which a party claiming only an equitable interest has been held entitled to protect himself on the ground of being a purchaser without notice. 2nd, Vice-Chancellor Wood suggested, in the case we are now discussing, that the plaintiff in *Jones* v. *De Moleyns* may have been entitled to a declaration of right, although he may not have been entitled to compel the defendants to deliver up the deeds. He thought, that in the case before him, either the mortgagor might have filed a bill in the nature of a bill of interpleader, and the fund being thus brought *in medio*, the question must have been decided in the plaintiffs' favour; or the plaintiffs might have filed their bill against the mortgagor and the bankers to have a declaration of their right in the presence of the mortgagor to this money. If *Joyce* v. *De Moleyns* was an authority against the plaintiffs' right to such a declaration, his Honour was not disposed to follow it.

This is how matters stood upon the bill as originally framed. Pending the suit, however, the mortgagor being desirous of paying off the mortgage, leave was obtained for him to pay the money into court. If hereupon the bill had been simply amended and had asked for the decision of the Court upon the fund thus brought *in medio*, payment would have been directed to the plaintiffs as having the better right. But the amended bill stated that the defendants had by arrangement delivered the deeds to the mortgagor, and the £900 had been paid into court "without prejudice to the question originally raised in this suit." The defendants relied on these words as entitling them to the benefit of whatever argument they might have founded on the actual possession of the deeds, and the Vice-Chancellor seems to have felt it his duty to look at the case as it had stood upon the original bill. The substance of his decision appears to be, that in some way or other the plaintiffs could have got the relief they sought, and, therefore, he gave it on the present bill; but, in consideration of the doubts as to the frame of that bill, he did not give costs.

COMMON LAW.

LAW OF EVIDENCE—EFFECT OF ADMISSIONS.

Haller v. *Worman*, 9 C. P., W. R. 348. *Tupper* v. *Foulkes*, ib., 349.

These are two cases upon the law of evidence, as affected by admissions, and therefore, though otherwise unconnected, they shall be considered together.

The general doctrine with respect to "admissions" is that they are received as evidence *in substitution* for the ordinary and legal proof (see Taylor, 2nd ed. s. 653); and one class of such substituted proof are statements relevant to the issues which have been made by the legal advisers of the parties to the record. If an admission be expressly made by the attorney of one of them, for the purpose of alleviating the stringency of some rule of practice, or of dispensing with the formal proof of some fact at the trial (as in the case of documents admitted in consequence of a "notice to admit"), it binds the client conclusively throughout the cause; and even where not made with such object, but as it were incidentally, such statement is often considered as raising an inference respecting the existence of facts which the opposite party would otherwise have been called upon to prove (see, for example, *Milward* v. *Temple*, 1 Camp. 375). On the other hand, admissions by an attorney respecting his client in a mere conversation cannot be received, as his agency is only for the management of the cause in court (see *Petch* v. *Lyon*, 9 Q. B. 147). Such being the rules with regard to admissions by the party's attorney, those made by his *counsel* stand on much the same footing: for where a special case is signed by the junior counsel on both sides, the facts therein are regarded as admitted for the purpose of any ulterior proceedings (*Van Wart* v. *Wolley*, B. & M. 4); and when the counsel on both sides so conduct a cause as to lead to an inference that a certain fact is admitted between them, it will thereafter be taken as true (*Stracy* v. *Blake*, 1 M. & W. 168). Indeed, in one case where the plaintiff's counsel stated in his opening that his client had paid a particular cheque, the defendant was allowed to give secondary evidence of its contents (after a notice to produce) without proving in any other way that it was in the possession of the plaintiff. This was the case of *Duncombe* v. *Daniell* (8 C. & P. 222); but on the other hand in *Colledge* v. *Horn* (3 Bing. 119), it was said to be a question of much doubt whether the defendant (a new trial having been ordered) might dispense with proof of part of his case on the ground that the plaintiff's counsel had in the former trial admitted it in his opening address while in the presence of his client. With regard to the case of *Colledge* v. *Horn* (the decision itself in which was not in reference to the point now under consideration), it may be here remarked that one of the judges, Mr. Justice Burrough, stated incidentally his opinion to be that if a plaintiff was in court and heard what his counsel said and made no objection, he was thereafter bound by the statement. And Mr. Taylor, in his work upon Evidence (s. 709), observes, commenting on this dictum, that if Mr. Justice Burrough's view is the correct one, "some learned members of the profession, if duly watched, will often save their adversaries much trouble in the way of proof." Now, the first of the two cases above referred to, viz., *Haller* v. *Worman* (which was an action to recover some deeds in which the defendant had pleaded, *inter alia*, *non detinet*), justifies this remark. For the defendant's counsel having, in support of a summons to change the *venue*, admitted, in the presence of the clerk of the defendant's attorney, that his client *had* the deeds in question, and claimed a lien thereon, this admission was received by the judge at the trial in support of the plaintiff's side of the issue joined; and the Court, supporting this ruling, observed that the statement made, was one made by counsel in the discharge of his duty in order to influence the judge in favour of his client, and that it was equally a statement of the attorney represented by his clerk; for that if the statement made by counsel were incorrect, it was the attorney's duty to set it right at the time.

As to the second case, *Tupper* v. *Foulkes*, it may be thought somewhat to impugn the accuracy of another passage in Mr. Taylor's work that, viz., wherein he states (s. 907) as a general proposition, subject to no exception, that in order to authorize an agent to execute a *deed* for his principal the authority must be given by an instrument under seal; and that when he has not been authorized in that manner, a parol ratification by the principal of the deed will not give it validity. In the present case, the defendant was sued on a deed of indemnity, and he pleaded, *inter alia*, *non est factum*. It appeared that the defendant's son had executed the deed in his father's name; and that the defendant, on being subsequently brought into the

room, and asked if his son had his authority to execute the deed for him, said that he had. It was objected at the trial that it must be shown that the son was authorized by deed; but the judge held that the defendant was bound by his admission that his son had proper authority. Now, this decision appears at first sight to be at variance with the proposition with which Mr. Taylor concludes in the passage above adverted to; for he there says, "and it seems that evidence of the implied, if not of the express recognition or adoption of the deed by the principal, will not, even as against him, raise a presumption that the agent was thus formally authorized to act, so as to dispense with the necessity for proving that fact;" for which he cites *Lord Gosford* v. *Robb* (3 Ir. Law Rep. 217).

But it is to be remarked that in the first place Mr. Taylor only says "it seems," and secondly, that the present action *was* against the principal himself, and not against other parties affected by the instrument, with regard to whom the law may probably be as Mr. Taylor supposes. And this is the more likely when the grounds for the present decision are considered. For the argument seems to have turned upon a point overlooked by Mr. Taylor—viz., that as against the principal there would be an estoppel from afterwards denying the proper authority to have been given, arising from his admission at the time (see *Doe d. Birmingham Canal Co.* v. *Bold*, 11 Q. B. 127). Moreover, in the present case, there was an act by the defendant which went beyond a mere "recognition or adoption" of the instrument. There was an actual *re-delivery*; for it is laid down in the books that if a deed already executed be lying on a table, and I say, "take that as my deed," it is sufficient without taking it into my hands—for "not only may a deed be delivered by deeds without words, but also by words without deeds" (see Shep. Touch. p. 37).

Correspondence.

EXAMINATION OF ARTICLED CLERKS.

I feel bound to testify my gratitude to you for your article on this subject, published in your number of March 30th. I am quite satisfied you understood my letter, inserted in the same number of your Journal, in a very different spirit from that exhibited by your flippant correspondent of this week; whom I may tell that if my education has taught me nothing else it *has* taught me to be courteous and civil to others, though strangers and unknown—a habit it is evident this young Nemesis has yet to acquire. It is not usual, I believe, in polite society to tell a gentleman what position in life you think he is fit for, or if two differ in opinion, for one to tell the other he is absurd; the first would, I apprehend, be considered gratuitously impertinent, and the other an expletive notorious for anything than its elegance. But I am not inclined to be so severe upon inexperience, and therefore pass on to the object of my letter.

I have not been able to procure through my bookseller "Brown's Smaller Work on Mental Physiology," and "Adam Smith's Ethical Histories," two of the works recommended in your article for perusal. You will therefore increase my obligation to you by a line in your next week's paper informing me where they may be procured.

My only apology for thus troubling you must be the interest you exhibit on behalf of articled clerks, and my inability to obtain the books through the usual channel.

An Articled Clerk.

[Sir James Mackintosh wrote a history of Ethics, which has been edited by Dr. Whewell. Adam Smith's history of Moral Systems is part of his larger work on the Theory of Moral Sentiments. The Historical Survey of Speculative Philosophy of Chalybäus (Tulk's translation) is the best work of the kind on Metaphysics. Our publisher, we have no doubt, will procure any of these books for subscribers.—Ed. *S. J.*]

LEGAL EDUCATION.

My letter in your impression of the 30th ult. has been replied to (on the 6th inst.) by another "Articled Clerk." He first taxes me with mistaking the whole matter. Now I appeal to anyone if I pretended to understand the report of the committee of the Law Society? But if I did fancy I interpreted it rightly, I have erred in good company. Look at the letters in your columns of "An Articled Clerk," on the 30th ult., "W. P. B." and "B." on the 23rd ult., "A. B." on the 9th, besides, I believe, every other writer but "An Articled Clerk," and your leading article of the 30th ult., where you say, "it is at present proposed that every candidate must pass in Latin, and either Greek, French, German, mathematics, or physics" (whatever the latter may mean). Another "Articled Clerk" says, in the face of this, that "probably a second perusal of the report will convince" me "that neither Greek nor German are absolutely necessary requirements, and they will only be expected from those candidates who fail in other and less difficult subjects." My words were, "it seems to me that a great many persons duly qualified will be deterred from offering themselves." I went on to say that, as I understood the report, Xenophon and Schiller seemed essential, and I so repeat; for the class on whose behalf I write cannot possibly possess much, if any, knowledge of Latin, French, and the other two, and will consider that they must cram in the other languages referred to, to cover their deficiencies in these. But, as I said before, I did not pretend to understand the report; and the main fact is, as well stated by "B.," "If we are to have such absurdity as a classical education, surely it ought to be reduced to a minimum." That the council of the Law Institution represent the views of the profession generally is a fallacy; that they do in this particular respect, I question. "B." says truly, "Are we (the solicitors) to have no articled clerks at all in future?" That is really the question. Premiums are now almost unheard of, salaries often required; but what clerk paying no premium, or wanting a salary, can pass this examination? Clearly, not one. All your correspondents agree in this respect. You say in your article before referred to, many "of your correspondents who desire to avail themselves of the ten years clause may" "find it extremely difficult to pass such an examination as would be very proper for lads who have just left school;" and yet that is what the committee actually propose!

X. Y. Z.

Writing as I do on the weak side and representing those who do not put themselves forward to be heard against the feeling of the dons of their profession, I claim pardon if I express myself too forcibly. Numbers are against us; the Legislature and the Law Institution are too strong for us; the pretended and would-be organ of the country solicitors will not let us be heard; and it is in your columns alone we can get even an audience. Encouraged in seemingly so hopeless a conflict by various admirable passages in an article recently appearing in your columns, I beg to represent the case of the hardworking clerk, who has not had the benefit of a classical education, or at all events not of one that will enable him to pass the schoolboy examination which the Law Society threaten. I also plead the cause of the great body of the profession—their masters. The large Lincoln's-inn houses, represented too strongly in the council, are not likely to give clerks their articles—300 or even 500 guineas come in to swell their ample balances at their bankers, and the efforts of a hardworking managing or copying clerk, or their struggling master having their bread to earn, are alike unknown and uncared for. Is the law in future to become merely an aristocratic profession? What men are expected to practise in the county and insolvency courts? What highly educated solicitor to attend to the common law judges chambers, or are none but paid clerks to go there? In plain English it is well known that a solicitor expects to live by his business: yet the Law Society coolly ignore that fact by preventing meritorious clerks from being articled, and thus entertaining an honourable ambition, or really working solicitors, from getting clerks at a remunerative salary, merely as far as I can learn, because various unqualified and disreputable practitioners have crept into the profession. But who certified that those men had duly served? Do not the Law Society regard but as the merest form that very important certificate? Why should all but the dons of the profession suffer because a laxity has grown up in permitting improper additions to their body, and for the sins of a past generation?

Z.

LONDON COMMISSIONERS TO ADMINISTER OATHS AT COMMON LAW.

I cannot understand nor ascertain upon what principle these commissioners are appointed, and I therefore write to you in the hope that you, or some of your numerous readers, will enlighten me upon the subject.

I was admitted in Easter Term, 1850, and have taken out my certificate ever since. Finding it was necessary, and that

it would be a great convenience to myself, my neighbours, and clients, that I should be a London commissioner, I, sometime after having been ten years in practice, presented the usual petition, setting out various special reasons why I should be appointed, and the usual certificate, numerously and respectably signed by barristers and solicitors of standing, and also gave the usual notice to the Incorporated Law Society of my intention to apply. I believe many other solicitors did the same about the same time, understanding (as I did) that a "batch" of London commissioners was about to be appointed.

On my application in due course to the Lord Chief Justice's clerk, I was informed that I and many others were *not* to be appointed commissioners, the preference having been given to those who had been longer in practice than we had, say thirty, twenty, or fifteen years instead of ten.

Now, observing the appointment of a London commissioner in your paper of April 6, (who is personally unknown to me,) I had the curiosity to turn to the "Law List," where I find that he was not admitted until Michaelmas Term, 1853, not yet *eight* years. Now, sir, I ask how is this? Is the "Law List" correct, or has the gentleman some friends at court, or by *whom* is this appointment made before the gentleman has been *ten* years in practice, as is, I believe, required by the Act; or, if *not* required by the Act, why in preference to us who have been *eleven* years in practice? This surely requires an explanation, and I hope some one will give it.

MARK LANE.

BANKRUPTCY AND INSOLVENCY BILL—MEETING AT MANCHESTER.

A conference on the Bankruptcy and Insolvency Bill was held at the Palatine Hotel, Manchester, on the 22nd of March last, at which the following Associations and Chambers of commerce were represented:—Manchester Association for the Protection of Trade; Manchester Guardian Society; Leeds Chamber of Commerce; Bradford Chamber of Commerce; Huddersfield Chamber of Commerce. We have been requested to publish the minutes of what transpired at this meeting, and as the subject of the Attorney-General's Bill is still of considerable interest to the profession, we do so at some length. The following gentlemen were present:—Philip Gillibraud, Esq., President of the Manchester Association for the Protection of Trade; William Butterfield, Esq., President of the Manchester Guardian Society; John Jowitt, Esq., Vice-President of the Leeds Chamber of Commerce; J. Darlington, Esq., Secretary of the Bradford Chamber of Commerce; William Willans, Esq., President of the Huddersfield Chamber of Commerce; Thomas Mallinson, Esq., ex-president; Mr. Edward Huth, Vice-President; also, Messrs. Francis Taylor, Charles Watson, George Booth, R. M. Shipman, Hugh Fleming, Henry Whitworth, Joseph Rayner, S. Gelder, and John Dodds.—Phillip Gillibrand, Esq., in the chair.—The chairman briefly explained the proceedings which had been taken by the Manchester Association in reference to this Bill, and the circumstances which had led the committee of that association to invite the co-operation of other commercial bodies in promoting amendments in the Bill when it reaches the House of Lords. The attention of the meeting was first directed to the following resolution, proposed by the Attorney-General as the basis of an alteration in clause 201 of the Bill:—"That, in addition to the ordinary stamp duty, there shall be charged an *ad valorem* stamp duty of seven shillings upon every £100 of property comprised in every trust or other deed or instrument required to be registered by any Act of the present session for amending the law relating to bankruptcy and insolvency in England." It was unanimously resolved "That the principle of levying a tax for the benefit of the general community on those who have already suffered the loss of their property is highly objectionable; and that the particular proposal to tax insolvent estates, requiring the minimum amount of interference on the part of the Court, with such an oppressive duty is grossly excessive and unjustifiable." As the resolution referred to was to be considered in the House of Commons that night, it was decided that the following telegram should be sent from the meeting to Thomas Bazley, Esq., M.P., and that similar telegrams should be sent to Edward Baines, Esq., M.P., E. A. Leatham, Esq., M.P., and W. E. Forster, Esq., M.P. Telegram:—"A meeting of the Chambers of Commerce of Leeds, Huddersfield, and Bradford, and the Manchester Association and Manchester Guardian Society, is now being held. We are unanimous in considering the imposition of seven shillings per cent. on deeds of arrangement as grossly excessive, and calculated to interfere with that mode of settlement. We object to taxation based on the misfortune of creditors, and think even clause 201 as it stood in the Bill very excessive. Please confer with members for Leeds, Huddersfield, and Bradford." The meeting then discussed the "remarks and suggestions of the committee of the Manchester Association for the Protection of Trade," dated February 16, 1861, and it was decided that leaving points of minute detail for future settlement, the attention of the conference should be chiefly directed to those clauses of the Bill referring to the extension of jurisdiction in bankruptcy to county courts, the position and remuneration of official assignees, and to the duties and responsibilities of the creditors' assignee. It was stated that the committee of the Manchester Association had objected to the transfer of bankruptcy business to county courts, on the grounds set forth in the printed "Remarks and Suggestions" now under consideration But if the consent of a majority, in number as well as value, of the creditors would be necessary to transfer the proceedings to a county court, in cases where the assets exceed £300, and the same principles where applied to estates under £300, the committee was not disposed to press the objection to these clauses, feeling satisfied that any evils which might arise would cure themselves. The members of the conference from Leeds, Huddersfield, and Bradford urged very strong reasons in favour of local adjudication, particularly in cases where the debtor and his creditors resided in the same locality, but concurred in the propriety of requiring the consent of number as well as value to the transfer, and of granting the same power of removal to creditors under clause 106 (105 in Bill reprinted), as in other cases. Clauses 6 to 11, 106, and 119 were then considered; and after a full discussion of the question, all these clauses were agreed to, subject to an alteration in clause 106 (105 in Bill reprinted), compelling all debtors within a defined distance of a district court to petition such court, giving to a majority in number and value of the creditors power to remove the proceedings into a district court; an amendment in clause 119 (118 in Bill reprinted), requiring the consent of a majority in number as well as value; and such a modification of clause 99 as shall give the court power to order the removal of proceedings in certain cases to any court they may think proper, without the necessity of applying to the chief judge. It was unanimously agreed that the office of messenger ought to b abolished, and the duties performed by the official assignee a to possession of the estate, and as to other matters as genera orders may direct. It was agreed that the words "if such official assignee," in the first line, page 30 (30th line, page 29, in Bill reprinted), ought to be struck out, as it is considered undesirable that the discretion as to retaining possession of a bankrupt's estate should be vested in the official assignee. Such discretion should be limited to the court, "on the representation of the official assignee," or of any creditor. The meeting unanimously approved of the payment of the official assignee by fixed salary instead of by percentage, and considered the salaries proposed in the Bill amply sufficient, and resolved strenuously to oppose any attempt which might be made to adopt a contrary principle during the future stages of the Bill. The clauses of the Bill referring to the creditors' assignee were then considered, and it was unanimously agreed that the clauses referring to the duties and responsibilities of the creditors' assignees, and which provide that every three months his accounts shall be verified upon oath, and submitted to the audit of the official assignee—he shall find security if a majority of the creditors and the Court require it—shall be liable to dismissal by a majority *in value* of the creditors—may at any time be called upon by *one-fourth in value* of the creditors to show cause why he should not be dismissed; and shall be compelled to call a meeting of the creditors to pass judgment upon his conduct before he can obtain his final discharge, are such as would prevent any mercantile man undertaking the office; and that with the view of removing these objectionable features from the Bill, the following amendments be proposed:—The power to require the creditors' assignee to give security is altogether objected to. If the principle of appointing a manager be adopted, his appointment ought to be vested in the creditors' assignee, with the sanction of the Court, but it i thought the manager ought to find security in some cases, and with that view it is proposed that in line 34 (25 in Bill reprinted), page 32, after the word "terms," the words "as to security or otherwise" be added; and that in line 35 (26 in Bill reprinted), the word "majority" be struck out, and the word "court" be substituted. The power here given to the creditors to remove the creditors' assignee is altogether objected to. In case of misconduct of the creditors' assignee,

clause 146 (145 in the Bill reprinted), gives to *the court* sufficient power to remove such assignee. It is therefore proposed that this clause be struck out of the Bill. This clause should be so altered as to leave it entirely optional with the creditors whether the official assignee or the creditors' assignee shall collect *all* debts. But in any case there ought to be no distinction as to amount, as the possession of the books is indispensable for the collection of both large and small debts. This clause, by requiring the creditors' assignee to submit his accounts to the official assignee virtually places the representative of the creditors under the control of that officer. On the whole it is deemed less objectionable to substitute the registrar for the official assignee in this clause; and it is thought that after the first meeting, which should be within a fixed period, it is altogether unnecessary to hold any subsequent meetings at stated periods, as considerable expense would be thereby entailed on the estate. These meetings should be left to the discretion of the Court. It is therefore proposed to strike out the words "expiration of every succeeding three months," and to insert the words "at the discretion of the court" in lieu thereof, and to strike out the words "the official assignee in the presence of" in the 16th, 17th, and 18th lines (7, 8, and 9 in Bill reprinted); and the words "verified on oath as," in the 20th line (11th in Bill reprinted); and to substitute the word "registrar" for the words "official assignee" in the 24th line (15th in Bill reprinted). The creditors' assignee would be subject to great annoyance and inconvenience if the creditors were empowered to transmit proofs of debt to him, and frequent disputes would arise as to the fact of such transmission. Proofs ought in all cases to be sent to the official assignee. It is therefore proposed to strike out the words "before the appointment of the creditors' assignee," in line 36 (22 in Bill reprinted); and the words "and after such appointment to the creditors' assignee," in lines 37 and 38 (23 and 24 in Bill reprinted). Sect. 6. *Accepting* bills of exchange for the accommodation of others for which no value has been received, ought to be included in the grounds of objection to granting a discharge to a bankrupt as "trading on fictitious capital" takes in only one side of the transaction, and relates to the *drawer* of such bills only; whereas the creditors of the *acceptor* may have to suffer in consequence of such bills being proved against his estate. That after the word "dividend" in the ninth line the words "out of any realisable estate" be added, so as to bring the clause into harmony with clauses 187 and 188 (189 and 190 Bill reprinted). In other respects this clause needs considerable modification, as the provision requiring the assignee to call the meeting in question to sit in judgment on his conduct is highly objectionable. This clause is regarded as most objectionable, because it will enable a debtor to compel creditors whose debts are represented by bills to accept an arrangement to which their consent has not even been asked, and it would thus be open to great abuse. Sufficient protection to the debtor would be given, and the above objection would be removed by omitting the words "three-fourths in number and value of all his other creditors," and substituting the words "the persons with whom the debts represented by such bills of exchange, &c., were originally contracted." The words "a majority in number" should be inserted before the words "three-fourths" in the first line. The conference then unanimously resolved that with the view of insuring the adoption of these several amendments in the Bill when it reaches the House of Lords, it was desirable that a deputation, to consist of gentlemen from each of the associations and chambers of commerce represented at the conference to-day, should proceed to London, to seek an interview with the Lord Chancellor, and to confer with other members of the House of Lords, and to take such other steps as may seem desirable to secure the success of the Bill with the proposed amendments.

Public Companies.

BILLS IN PARLIAMENT

FOR THE FORMATION OF NEW LINES OF RAILWAY IN ENGLAND AND WALES.

The standing orders have been declared to have been complied with in the following cases:—

BRENTFORD AND KEW BRIDGE.
EDGEWARE, HIGHGATE, AND LONDON.
LLANIDLOES AND NEWTOWN.
NEWTOWN.
SHREWSBURY AND WELCHPOOL.

The preamble of the following Bill has been proved in the House of Lords:—

LEEDS, BRADFORD, AND HALIFAX.

The following has been referred to a committee of the House of Commons:—

LANCASHIRE AND YORKSHIRE (Salford to Manchester).

REPORTS AND MEETINGS.

GREAT WESTERN OF CANADA RAILWAY.

At the half-yearly meeting of this company held on the 11th instant, a dividend at the rate of £3 per cent. per annum was declared for the past half-year.

MONMOUTHSHIRE RAILWAY.

The directors of this company propose that a dividend at the rate of 6 per cent. per annum, should be declared for the half year ending December 31st 1860. This leaves a balance of £900 to be carried to the reserve fund.

The number of causes and other matters set down for hearing in the ensuing term appear to be as follows, viz.:—In the Court of Queen's Bench there are 87 rules, of which 40 are in the new trial paper for argument and 43 in the special paper, in addition to which there are four enlarged rules. In the Common Pleas there are eight enlarged rules, 15 in the new trial paper, two matters for the decision of the Court, and 20 demurrers, making 45; while in the Court of Exchequer the number is 34, consisting of nine errors and appeals, two rules in the special paper for judgment and eight for argument, and in the new trial paper two for judgment and 13 for argument. In the Court of Chancery there are 344 causes entered for hearing; of which 12 are before the Lords Justices, 73 before the Master of the Rolls, 69 before Vice-Chancellor Kindersley, 92 before Vice-Chancellor Stuart, and 98 before Vice-Chancellor Wood. The Judges, Queen's Counsel, and other learned functionaries, will breakfast with the Lord Chancellor at Stratheden-house on the first day of term, and afterwards proceed to inaugurate the Term at Westminster-hall.

On Saturday morning, the 6th inst, about three o'clock, a fire resulting in the entire destruction of one of the finest mansions in the county of Surrey took place at Burhill Park, the seat of Mr. Francis Thomas Bircham, solicitor to the South Western Railway Company, situate near Walton-on-Thames. The family made their escape, with the exception of Mr. Bircham, who, in his endeavours to save a large quantity of valuable plate (in which to some extent he succeeded), was very considerably burnt. The whole of the furniture, valuable paintings, a large proportion of the plate, &c., has been utterly destroyed or lies buried in the ruins. The property was insured in the Law Fire and Life Insurance-office, of which Mr. Bircham is himself a director, for the sum of £6,000, but that will not cover the amount at which the property destroyed is valued.

Court Papers.

Court of Chancery.

SITTINGS.—EASTER TERM, 1861.

LORD CHANCELLOR.

Westminster.

Monday, April 15...Appeal Motions and Appeals.

Lincoln's-inn.

Tuesday ..... 16...Petitions and Appeals.
Wednesday ... 17
Thursday 18
Friday 19
Saturday ..... 20 } Appeals.
Monday..... 22
Tuesday 23
Wednesday ... 24
Thursday ..... 25...Appeal Motions and Appeals.
Friday 26
Saturday 27
Monday..... 29 } Appeals.
Tuesday 30
Wednesd., May 1

Thursday, May 2...Appeal Motions and Appeals.
Friday 3
Saturday ..... 4 } Appeals.
Monday..... 6
Tuesday ..... 7...Petitions and Appeals.
Wednesday ... 8...Appeal Motions and Appeals.

Such days as his Lordship shall be engaged in the House of Lords are excepted.

MASTER OF THE ROLLS.

Westminster.

Monday, April 15...Motions.

Chancery-lane.

Tuesday 16
Wednesday ... 17
Thursday ..... 18 } General Paper.
Friday 19
Saturday ..... 20 { Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday..... 22
Tuesday ..... 23 } General Paper.
Wednesday ... 24
Thursday ..... 25...Motions.
Friday ..... 26...General Paper.
Saturday ..... 27 { Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday..... 29
Tuesday ..... 30 } General Paper.
Wednesd., May 1
Thursday ..... 2...Motions.
Friday ..... 3...General Paper.
Saturday ..... 4 { Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday 6
Tuesday ..... 7 } General Paper.
Wednesday ... 8...Motions.

The unopposed Petitions must be presented and Copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard: and any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put into the Paper to be so heard.

LORDS JUSTICES.

Westminster.

Monday, April 15...Appeal Motions.

Lincoln's-inn.

Tuesday ..... 16...Appeal Motions and Appeals.
Wednesday ... 17
Thursday ..... 18 } Appeals.
Friday ..... 19 { Petitions in Lunacy and Bankruptcy, Appeal Petitions and Appeals.
Saturday 20
Monday..... 22
Tuesday ..... 23 } Appeals.
Wednesday ... 24
Thursday ..... 25...Appeal Motions and Appeals.
Friday ..... 26 { Petitions in Lunacy and Bankruptcy Appeal Petitions and Appeals.
Saturday 27
Monday..... 29
Tuesday ..... 30 } Appeals.
Wednesd., May 1
Thursday ..... 2...Appeal Motions and Appeals.
Friday ..... 3 { Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday 4
Monday ..... 6 } Appeals.
Tuesday 7
Wednesday ... 8...Appeal Motions and Appeals.

The days (if any) on which the LORDS JUSTICES shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

Vice-Chancellor Sir RICHARD T. KINDERSLEY.

Westminster.

Monday, April 15...Motions.

Lincoln's-inn.

Tuesday 16
Wednesday ... 17 } General Paper.
Thursday 18
Friday ..... 19...Petitions.
Saturday ..... 20 { Short Causes, Adjourned Summonses, and General Paper.
Monday 22
Tuesday ..... 23 } General Paper.
Wednesday ... 24
Thursday ..... 25...Motions and General Paper.
Friday, April 26...Petitions.
Saturday ..... 27 { Short Causes, Adjourned Summonses, and General Paper.
Monday 29
Tuesday ..... 30 } General Paper.
Wednesd., May 1
Thursday ..... 2...Motions and General Paper.
Friday ..... 3...Petitions.
Saturday ..... 4 { Short Causes, Adjourned Summonses, and General Paper.
Monday..... 6
Tuesday ..... 7 } General Paper.
Wednesday ... 8...Motions and General Paper.

Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put into the Paper to be so heard.

Vice-Chancellor Sir JOHN STUART.

Westminster.

Monday, April 15...Motions.

Lincoln's-inn.

Tuesday 16
Wednesday ... 17 } General Paper.
Thursday 18
Friday ..... 19...Petitions and General Paper.
Saturday ..... 20...Short Causes and General Paper.
Monday 22
Tuesday ..... 23 } General Paper.
Wednesday ... 24
Thursday ..... 25...Motions and General Paper.
Friday ..... 26...Petitions and General Paper.
Saturday ..... 27...Short Causes and General Paper.
Monday 29
Tuesday ..... 30 } General Paper.
Wednesd., May 1
Thursday ..... 2...Motions and General Paper.
Friday ..... 3...Petitions and General Paper.
Saturday ..... 4...Short Causes and General Paper.
Monday..... 6
Tuesday ..... 7 } General Paper.
Wednesday ... 8...Motions.

Any Causes intended to be heard as Short Causes, must be so marked, at least one clear day before the same can be put into the Paper to be so heard.

Vice-Chancellor Sir W. P. WOOD.

Westminster.

Monday, April 15...Motions.

Lincoln's-inn.

Tuesday 16
Wednesday ... 17
Thursday ..... 18 } General Paper.
Friday 19
Saturday ..... 20 { Petitions, Short Causes, and General Paper.
Monday..... 22
Tuesday ..... 23 } General Paper.
Wednesday ... 24
Thursday ..... 25...Motions and General Paper.
Friday ..... 26...General Paper.
Saturday ..... 27 { Petitions, Short Causes, and General Paper.
Monday..... 29
Tuesday ..... 30 } General Paper.
Wednesd., May 1
Thursday ..... 2...Motions and General Paper.
Friday ..... 3...General Paper.
Saturday ..... 4 { Petitions, Short Causes, and General Paper.
Monday 6
Tuesday ..... 7 } General Paper.
Wednesday ... 8...Motions and General Paper.

Any Causes intended to be heard as Short Causes, must be so marked, at least one clear day before the same can be put into the Paper to be so heard.

Births, Marriages, and Deaths.

BIRTHS.

BEAUMONT—On April 6, the wife of Joseph Beaumont, Esq., of Lincoln's-inn, of a son.

HOWARD—On April 9, the wife of Alfred George Howard, Esq., Solicitor, of a son.

MARRIAGES.

ALDERSON—GUEST—On April 9, Frederick Cecil, son of the late Sir E. H. Alderson, Baron of the Exchequer, to Katha-

rine Gwladys, daughter of the late Sir J. J. Guest, Bart. M.P., of Dowlais.

Deasy—O'Connor—On April 2, at Black Rock, near Dublin, the Right Hon. Richard Deasy, Baron of her Majesty's Court of Exchequer in Ireland, to Monica, daughter of the late Hugh O'Connor, Esq., of Dublin.

Edeveain—Broke—On April 4, R. F. Eaton Edeveain, Esq., of the Middle Temple, to Elizabeth Zilpah, widow of the late Sir Arthur de Capell Broke, Bart., of Great Oakley Hall, Northamptonshire.

Gee—Young—On April 10, William Gee, Esq., of Bishop's Stortford, to Emily Anne, daughter of the late Noah Robert Young, Esq., of Hertford.

Hore—Sweeny—On April 3, William Hore, Esq., M.R.C.S., of Shoreham, to Mary Ann, widow of the late Chas. S. Sweeney, Esq., M.D., and daughter of Mr. Serjeant Storks, Gower-street, Bedford-square.

Ibotson—Brearey—On April 3, Richard Revell Ibotson, Esq., B.A., of Grenville-street, Brunswick-square, to Matilda Sophia, daughter of Henry Brearey, Esq., Solicitor, York.

Lockhart—Brebner—On April 9, Lieut.-Colonel Lockhart, C.B., 78th Highlanders, second surviving son of the late Robert Lockhart, Esq., of Castlehill, Lanarkshire, to Emily Udny Brebner, daughter of James Brebner, Esq., Advocate, Aberdeen.

Moxon—Furbank—On April 9, William Moxon, of Stone-buildings, Lincoln's-inn, and Wimbledon, Surrey, Esq., Barrister-at-Law, to Anne Furbank, of Fernhill, Shipley, Yorkshire, widow of the late Rev. Thomas Furbank, M.A., of Bramley.

Paul—M'Gregor—On April 2, William Paul, Esq., Advocate, Aberdeen, to Julia, daughter of the late Daniel M'Gregor, Esq., Walton-on-the-Hill.

Whyte—Heard—On April 4, Wm. Whyte, Esq., of Westbourne-park-terrace, to Emma, daughter of the late Henry George Heard, Esq., one of the six clerks of the High Court of Chancery, in Ireland.

Wilkinson—Hill—On April 9, William Matthew, only son of the late William Denison Wilkinson, Esq., to Frances Emily, second daughter of the late John Hill, Esq., Attorney-General for the Palatinate of Chester.

Woodcock—Trimmer—On April 3, George Woodcock, Esq., Solicitor, of Coventry, to Caroline Tibbits, daughter of Edward Trimmer, Esq., of Gloucester.

DEATHS.

Cross—On April 7, very suddenly, W. S. Cross, Esq., Barrister-at-law, of the Inner Temple.

Ellis—On April 5, Thomas Flower Ellis, Esq., Barrister-at-law, aged 65.

Graves—On April 4, suddenly, of disease of the heart, John Samuel Graves, Esq., Barrister-at-law, aged 64.

Hall—On April 9, James Richmond, the infant son of Henry Hall, Esq., Solicitor, Ashton-under-Lyne, aged 15 months.

Hester—On April 8, after a short illness, Jane, daughter of Mr. Hester, Town Clerk of Oxford, aged 27.

Pennefather—On April 6, at Atramont, in the county of Wexford, Susan, widow of the late Right Hon. Edward Pennefather, formerly Lord Chief Justice of Ireland, aged 75.

Power—On April 6, Caroline Mary, the infant daughter of David Power, Esq., Q.C.

Sherwood—On April 9, Thomas Sherwood, Esq., of the Common Pleas Office, London, in his 74th year.

Stewart—On April 2, Margaret Emily, widow of James Stewart, Esq., late Secretary to the Copyhold Commission.

Stokes—On April 5, Catherine Elizabeth, wife of Charles William Stokes, Esq., and daughter of the late Robert Colmer, Esq., Barrister-at-law, of Lincoln's-inn, and Yoxford, Suffolk.

Taylor—On March 30, Mr. Edwin Taylor, aged 50, many years clerk to — Shipton, Esq., Solicitor, Bristol.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Musters, John George, Esq., Wiverton-hall, Notts, £1,117 6s. 4d. Consols.—Claimed by Philip Hamond, the administrator de bonis non with the will annexed of the said John George Musters.

Fitzroy, Hon. Eliza, Widow, Harley-street, £20,000 Consols.—Claimed by Edmund Barlow, the acting executor.

English Funds and Railway Stock

(Last Official Quotation during the week ending Friday evening.)

English Funds.			Railways — *Continued.*	
		Shrs		
Bank Stock	227	Stock	Ditto A. Stock	105
3 per Cent. Red. Ann..	90¼	Stock	Ditto B. Stock	130
3 per Cent. Cons. Ann.	91⅛	Stock	Great Western	71
New 3 per Cent. Ann..	90⅛	Stock	Lancash. & Yorkshire	111⅞
New 2½ per Cent. Ann.	..	Stock	London and Blackwall.	61
Consols for account ..	92	Stock	Lon. Brighton & S. Coast	118½
India Debentures, 1858.	..	25	Lon. Chatham & Dover	47
Ditto 1859.	..	Stock	London and N.-Wstrn..	96
India Stock	220½	Stock	London & S.-Westrn.	94
India 5 per Cent. 1850..	100⅝	Stock	Man. Sheff. & Lincoln..	44⅝
India Bonds (£1000) ..	..	Stock	Midland	124½
Do. (under £1000).....	..	Stock	Ditto Birm. & Derby	98
Exch. Bills (£1000)...	5 dis.	Stock	Norfolk	84
Ditto (£500).....	..	Stock	North British	62⅜
Ditto (Small) ..	..	Stock	North-Eastn. (Brwck.)	102⅜
		Stock	Ditto Leeds	60½
Railway Stock.		Stock	Ditto York	90½
		Stock	North London.....	97
Stock Birk. Lan. & Ch. Junc.	82	Stock	Oxford, Worcester, & Wolverhampton ..	..
Stock Bristol and Exeter....	99	Stock	Shropshire Union	49
Stock Cornwall	6	Stock	South Devon	42
Stock East Anglian	17½	Stock	South-Eastern	83½
Stock Eastern Counties	49⅜	Stock	South Wales	60
Stock Eastern Union A. Stock	39	Stock	S. Yorkshire & R. Dun	97
Stock Ditto B. Stock	26⅜	25	Stockton & Darlington	41
Stock Great Northern	111	Stock	Vale of Neath	76

London Gazettes.

Windings-up of Joint Stock Companies.

Friday, April 5, 1861.

Limited in Bankruptcy.

Union Discount Company (Limited).—Creditors to prove their debts before Commissioner Evans, Basinghall-street. April 18, at 11.

Union Discount Company (Limited).—Commissioner Evans will proceed, on April 18, at 11, Basinghall-street, to settle the list of contributories of this company.

Tuesday, April 9, 1861.

Unlimited in Chancery.

Era Assurance Society.—Vice-Chancellor Wood peremptory order that a call of £1 10s. per share be made on all the contributories of this society, to be paid on or before April 26, to Henry Croysdill, the Official Manager, 14, Old Jewry-chambers, London.

Herald Life Assurance Society.—Master of the Rolls peremptory order that a call of £1 10s. per share be made on all the contributories of this society, to be paid on or before April 13, to Frederick Whinney, the Official Manager, 5, Serle-street, Lincoln's-inn, Middlesex.

Kent Benefit Building Society, also called The Kent Freehold Land Society.—Vice-Chancellor Kindersley will, on April 24, at 12, proceed to make a call on all persons settled on the list of contributories of the said company, in respect of shares where the liability has not been limited, for £7 per share.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

Friday, April 5, 1861.

Barton, Esther, Gentlewoman, Great Berkhampstead, Hertfordshire. Doughty, Solicitor, 41, Montpelier-square, Brompton, Middlesex, S.W. May 4.

Boddington, John, Farmer, Meriden, Warwickshire. Troughton, Lea, and Kirby, Solicitors, 16, Little Park-street, Coventry. May 14.

Cazenove, James, Official Assignee, formerly of London, but late of Liverpool and of New Brighton, Cheshire. Lacy & Bridges, Solicitors, 19, King's Arms-yard, London. March 5.

Derry, William, Victualler, Wolverhampton. Manby, Solicitor, Wolverhampton. June 2.

Fann, Elijah, Hosier, Nottingham. Freeth, Rawson, & Browne, Solicitors, Nottingham. May 9.

Churchill, Most Noble George Spencer, Duke of Marlborough, Blenheim. J. W. & G. Whateley, Solicitors, Waterloo-street, Birmingham. May 15.

Pidduck, Joseph, Draper, Stourport. Cook, Solicitor, Stourport. June 24.

Smith, Joseph, Publican, Penkridge, Staffordshire. Heane, Solicitor, Newport, Salop. May 25.

Tuesday, April 9, 1861.

Baugh, Daniel, Cigar Manufacturer, Liverpool. Dodge & Wynne, Solicitors, 7, Union-court, Liverpool. June 1.

Bell, Thomas, Merchant, formerly of Alexandria, Egypt. Williams & James, Solicitors, 62, Lincoln's-inn-fields. May 10.

Blacklock, Elizabeth, Point Pleasant, Wandsworth, Surrey. Madox & Wyatt, Solicitors, 30, Clement's-lane, Lombard-street, London. May 1.

Booth, Richard, Gent., Foleshill-road, near Coventry. Woodcock, Twist, & Woodcock, Solicitors, Bailey-lane, Coventry. May 1.

Davy, Walker, Farmer, Thoresway, Lincolnshire. Saffery, Solicitor, Market Rasen. May 1.

Dickman, James, 4, Kimbolton-place, Fulham-road, Middlesex, and formerly of North-terrace, Alexander-square, Brompton. Sawyer & Brettell, Solicitors, 2, Staple-inn, Holborn. June 10.

Joules, Frederick, Gent., Henry-street, Portland-town, Middlesex. Forbes & Horwood, Solicitors, 8, Warnford-court, London. May 30.

Kilburn, Anna, Widow, Bishop Auckland, Durham. Fenwicks & Fal-

conar, Solicitors, Newcastle-upon-Tyne; Harwood & Pattison, Solicitors, 10, Clement's-lane, Lombard-street. June 1.

KNIGHT, ELIZABETH, Spinster, Crawley, Sussex. Sadler, Solicitor, Horsham, Sussex. May 27.

PARKER, WILLIAM, Farmer, Linwood, Lincolnshire. Saffery, Solicitor, Market Rasen. May 1.

PAIME, CORDELIA AIREY, Spinster, 22, Clapham-rise, Surrey. Hedges & Stedman, Solicitors, 9, Carey-street, Lincoln's-inn. May 6.

REES, JOHN, otherwise JOHN OWEN REES, Gent., formerly of Kingston-on-Thames, Surrey, but at the time of his death residing at Shelf Cottage, near Oswestry, Salop. Thos. & Chas. Minshall, Solicitors, Oswestry. June 1.

SHAW, LADY AMELIA, Widow, 8, Kensington Gore, London, and Tay Down House, Brighton. Bridges & Son, Solicitors, 23, Red Lion-square, London. June 1.

THOMAS, WILLIAM, Coal Master, Bedworth, Warwickshire. Woodcock, Twist, & Woodcock, Solicitors, Bailey-lane, Coventry. May 1.

WILD, WILLIAM, Dissenting Minister, 10, Fremantle-square, Bristol. Holden, Solicitor, Lancaster. May 6.

WOODS, GEORGE, late of Chatham, Kent, formerly a Clerk in her Majesty's Dockyard at Chatham, afterwards of Rose Cottage, Menai Bridge, Bangor, North Wales, and late of Elm Cottage, Chariton, Kent. Acworth & Son, Solicitors, Star-hill, Rochester. May 4.

WOOD, WILLIAM, Gent., Sowerby, near Thirsk, Yorkshire. Weatherill, Solicitor, Guisborough. May 10.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, April 9, 1861.

CLARK, MARY ROBBINS, Widow, St. John's-lane, Smithfield, Middlesex, and of New Malden, Surrey. V. C. Stuart. May 3.

Assignments for Benefit of Creditors

FRIDAY, April 5, 1861.

BIDDLE, CHARLES ABRAHAM, Printer and Stationer, Alton, Southampton. March 25. *Sols.* C. & H. Trimmer, Alton.

BOOTS, BENJAMIN, Carpenter and Ironmonger, Robertsbridge, Salehurst, Sussex. March 21. *Sol.* Tournay, Ticehurst, Sussex.

COX, JAMES, Builder, Highbridge, Somersetshire. March 16. *Sols.* Bevan, Girling, & Press, 3, Small-street, Bristol.

EASTICK, THOMAS, Saddler, 13, High-street, Camberwell, Surrey. March 8. *Sol.* Reed, 2A, St. Ann's-lane, General Post-Office, City.

HENDERSON, JAMES, Joiner and Builder, Newark-upon-Trent, Nottinghamshire. March 12. *Sols.* Tallents, Burnaby, & Griffin, Newark-upon-Trent.

HOLLINGS, JAMES, Cloth Finisher, Leeds. March 16. *Sols.* Upton & Yewdall, 5, Bank-street, Leeds.

HOWARD, ISRAEL, Barge Owner, South Benfleet, Essex. March 25. *Sol.* Woodard, Billericay, Essex.

LANNING, EDWARD JAMES, Hatter, Southampton. March 18. *Sol.* Weall, 5, Bell-yard, Doctors' Commons, London.

RANGER, JOSEPH, Draper and Outfitter, 5, Western-road, 42, North-street, and 85, King's-road, Brighton. March 8. *Sols.* Taylor & Jaquet, 15, South-street, Finsbury-square.

SHEARD, SAMUEL, Currier, Hightown, Leeds. March 20. *Sol.* Maud, Leeds.

THOMAS, THOMAS, and GEORGE GATCHELL SAUNDERS THOMAS, Manure and Seed Merchants, Bridgend, Glamorganshire (Thomas & Son). March 8. *Sols.* King & Plummer, 5, Exchange-buildings East, Bristol.

YRIGOTTI, FRANCIS DE, Wine Merchant, 4, Muscovy-court, Tower-hill, London. March 9. *Sol.* Abrahams, 17, Gresham-street, London.

TUESDAY, April 9, 1861.

BROOMHALL, FRANCIS, & WALTER ABBOTT, Grocers, Gt. Hampton-street, Birmingham. *Sols.* Southall & Nelson, 3, Newhall-street, Birmingham. March 27.

CARTER, DAVID, Grocer & Draper, Slaithwaite, Yorkshire. *Sol.* Clough, Huddersfield. March 19.

CASSWELL, JOHN CUTHBERT, Miller, Baker, & Maltster, Osbournby, Lincolnshire. *Sols.* Moore & Peake, Sleaford; Wiles & Chapman, Horbling. April 1.

ELLIS, JOHN, Mercer & Draper, Mansfield, Nottinghamshire. *Sol.* Woodcock, Mansfield. March 28.

GILBY, JOHN, Linendraper, Woburn, Bedfordshire. *Sols.* Davidson, Bradbury, & Hardwick, Weaver's-hall, 22, Basinghall-street. March 21.

HENZELL, THOMAS SMITH, Shipbuilder, Howdon, Northumberland. *Sols.* Leitch & Kewney, North Shields. April 2.

HILL, JOSEPH, Grocer, late of Westbromwich, Staffordshire, but then of Wyrley Wigern, Hales Owen, Worcestershire, Licensed Victualler. *Sols.* Southall & Nelson, 3, Newhall-street, Birmingham. March 25.

KNIGHT, HENRY, Hatter, Bristol. *Sol.* Prideaux, Bristol. March 28.

MAY, SAMUEL, Chronometer Maker, 15, Upper Charles-street, Clerkenwell, Middlesex. *Sols.* Boulton & Sons, 21A, Northampton-square, Clerkenwell, Middlesex. March 18.

MORRISON, MARY ANNE, Lace Manufacturer, Nottingham (George Morrison). *Sols.* Campbell, Burton, & Brown, Nottingham. March 28.

PEATE, JOHN, Miller & Corn Dealer, Macsbury Hall, Owestry, Salop. *Sols.* T. & C. Mincham, Owestry. March 19.

TURNER, JOHN, Butcher, Ipswich. *Sols.* Josselyn & Son, Ipswich. March 28.

Bankrupts.

FRIDAY, April 5, 1861.

CARTER, THOMAS DAWES, Livery Stable Keeper, Blue Anchor-yard, Coleman-street, London. *Com.* Fane: April 19, at 12; and May 17, at 1.30; Basinghall-street. *Off. Ass.* Whitmore. *Sol.* Sheppard, 38, Moorgate-street. *Pet.* Jan. 29.

CHAMBERS, GEORGE THOMAS, Umbrella Manufacturer, 3, Finsbury-pavement, and Green-street, Spitalfields, Middlesex (G. T. Chambers & Co.). *Com.* Holroyd: April 16, at 11.30; and May 21, at 2; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Harrison & Lewis, 6, Old Jewry, London. *Pet.* March 25.

DEAN, ROBERT GEORGE, Lead, Glass, and Colour Merchant, Trig-wharf, Upper Thames-street, London. *Com.* Evans: April 16, at 11; and May 16, at 2; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Stacpoole, Pinner's-hall. *Pet.* March 4.

IHLEN, NILS, & FREDERICK ENGEBRETHSEN, Ship Chandlers & Sail Makers, 52, and 53, Great Tower-street, London, and 3, Russell-street, Rotherhithe, Surrey (Nils Ihren & Co.). *Com.* Holroyd: April 16, at 2.30; and May 21, at 1; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Marten, Thomas, & Hollams, Mincing-lane, London. *Pet.* April 3.

FITZPATRICK, TERENCE, Newark-upon-Trent, Nottinghamshire, & BERNARD FITZPATRICK, Nottingham, Travelling Drapers. *Com.* Sanders: April 18, and May 9, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Cowley & Everall, Nottingham. *Pet.* April 1.

MOSS, WILLIAM, Boat and Shoe Manufacturer, Macclesfield, Cheshire. *Com.* Jemmett: April 18, and May 16, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Parrott, Colville, May, & Rudyard, Macclesfield. *Pet.* April 3.

ORMOND, CHARLES, Buyer and Letter of Thrashing Machines for Hire, and Corn Thrasher, Hemington, Northamptonshire. *Com.* Fonblanque: April 17 at 1.30; May 15, at 12; Basinghall-street. *Off. Ass.* Graham. *Sol.* Deacon, 14, King-street, Finsbury-square, London, and Peterborough. *Pet.* April 3.

RHODES, WILLIAM HURST, Licensed Victualler, Milton-next-Gravesend. *Com.* Goulburn: April 15, at 11; and May 15, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Brutton, 27, Basinghall-street, London. *Pet.* April 4.

SCOTT, ROBERT, & WILLIAM THOMAS SCOTT, Tailors, Southampton (Scott Brothers). *Com.* Fane: April 19, at 1.30; and May 17, at 1; Basinghall-street. *Off. Ass.* Whitmore. *Sol.* Stocken, 61, Cornhill; or Lomer, Southampton. *Pet.* March 30.

WHITE, ROBERT, JAMES WHITE, & WILLIAM WHITE, Lace Manufacturers, Nottingham (White Brothers). *Com.* Sanders: April 23, and May 21, at 11.30; Nottingham. *Off. Ass.* Harris. *Sol.* Maples, Nottingham. *Pet.* March 26.

TUESDAY, April 9, 1861.

BRISTOW, JOHN, Licensed Victualler, Stourbridge, Worcestershire. *Com.* Sanders: April 22, and May 13, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Duignan & Ebsworth, Walsall. *Pet.* April 3.

BURROWS, JOSEPH, Cabinet Maker, Chesterfield. *Com.* West: April 30, and May 18, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Cutts, Chesterfield; or Smith & Burdekin, Sheffield. *Pet.* March 30.

COBB, JOHN, Currier, Great Yarmouth. *Com.* Holroyd: April 19, at 2; and May 21, at 12.30; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Storey, 6, King's-road, Bedford-row, London; or Chamberlin, Great Yarmouth, Norfolk. *Pet.* April 5.

MARSHALL, CHARLES, Saw Manufacturer, Sheffield. *Com.* West: April 20 and May 18, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Fernell, Sheffield. *Pet.* April 4.

MARTIN, JAMES MARK, Ironmonger, Brazier and Gasfitter, Chesterfield. *Com.* West: April 20, and May 18, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Smith & Burdekin, Sheffield. *Pet.* April 2.

POAD, WILLIAM PALMER, Draper and Mercer, Portsmouth. *Com.* Fane: April 19, at 11.30; and May 17, at 12; Basinghall-street. *Off. Ass.* Cannan. *Sol.* Mardon, 99, Newgate-street. *Pet.* April 5.

WATSON, WILLIAM, Licensed Victualler, Tallors Arms Public-house, Gravel-lane, Southwark. *Com.* Evans: April 18, at 11.30; and May 16, at 11; Basinghall-street. *Off. Ass.* Johnson. *Sols.* Dimmock & Busby, Suffolk-lane. *Pet.* April 5.

WOOD, PETER HENRY, Brewer, Manchester. *Com.* Jemmett: April 23, and May 14, at 12; Manchester. *Off. Ass.* Hernaman. *Sol.* Lamb, Cooper-street, Manchester. *Pet.* March 30.

YRIGOTTI, FRANCIS DE, Wine Merchant, Muscovy-court, Tower-hill, London. *Com.* Fane: April 19, and May 17, at 2; Basinghall-street. *Off. Ass.* Whitmore. *Sol.* Abrahams, 17, Gresham-street. *Pet.* April 8.

BANKRUPTCIES ANNULLED.

FRIDAY, April 5, 1861.

HORNER, JAMES RICHARD, Corn Merchant, Ashton-under-Lyne. April 3.

TUESDAY, April 9, 1861.

PRITCHARD, EDWARD, Wine and Spirit Merchant, Liverpool. April 4.

MEETINGS FOR PROOF OF DEBTS.

FRIDAY, April 5, 1861.

BAXTER, WILLIAM ROBERT, & FREDERICK GEORGE BAXTER, Carriers & Leather Merchants, Constitution-hill, Birmingham (Baxter Brothers.) April 29, at 11; Birmingham.—BRAY, CHARLES, Ironmonger, 14, Alfred-terrace, Queen's road, Bayswater, Middlesex. April 30, at 12; Basinghall-street.—COOK, WILLIAM, Coachbuilder & Harness Maker, 9, King-street, Regent-street, Middlesex (Cook, Rowley, & Co.) April 26, at 12; Basinghall-street.—DIMSDALE, FREDERICK, Dealer in Iron, Share Dealer, & Scrivener, King's Arms'-yard, Coleman-street, London. April 17, at 2.30; Basinghall-street.—HEALD, JOHN, sen., & JOHN HEALD, jun., Shoe Makers, Tea Dealers, Grocers, & Farmers, Eckington, Derbyshire (John Heald.) April 27, at 10; Sheffield.—JOHNSON, JOHN, & CHARLES SUCKLING GILMAN, Boot & Shoe Factors, Manufacturers, & Merchants, Red Cross street, Barbican, London, Hackney-road-crescent, Hackney-road, Middlesex, and Norwich (Johnson & Gilman.) April 26, at 12.30; Basinghall-street.—KIPPAX, JOHN, Watch Maker & Silversmith, East Retford, Nottingham. April 27, at 10; Sheffield.—MANSFIELD, ELIAS, Boat Wright, Timber Dealer, & Publican, Chesterton, Cambridgeshire. May 9, at 11; Basinghall-street.—NICHOLS, BENJAMIN HUMPHREY, Innkeeper, Fox Inn, Wilbarston, Northamptonshire. April 30, at 11.30; Basinghall street.—SKEEN, ALFRED, & ARCHIBALD FREEMAN, Timber Brokers, 75, Old Broad-street, London (Skeen & Freeman). April 17, at 2.30; Basinghall-street.

TUESDAY, April 9, 1861.

GOTCH, JOHN DAVIS, & THOMAS HENRY GOTCH, Bankers, Tanners, Curriers, Shoe Manufacturers, & Brewers, also surviving partners of John Cooper Gotch, deceased, Kettering and Rowell, Northamptonshire, and 43, Long Acre, Middlesex. April 30, at 12; Basinghall-street, joint estate. Same time, as surviving partners of John Cooper Gotch, deceased; same time, separate estate of John Davis Gotch; same time, separate estate of Thomas Henry Gotch.—PAGE, ROBERT, Coal Owner, Forest of Dean, Gloucestershire, and Grocer, Dover, Kent. April 30, at 1; Basinghall-street.—RENNIE, WILLIAM, JAMES JOHNSON, & WILLIAM RANKIN, Shipwrights, Liverpool (Rennie, Johnson, & Rankin). April 29, at 11; Liverpool.—RICE, JOHN, Butcher, Lupus-street, Belgrave-road, Pimlico. April 30, at 11; Basinghall-street.—ROWBOTHAM, JOHN, & JAMES SHAW, Picture Dealers & Booksellers, Manchester. May 1, at 12; Manchester.—STEWART, ROBERT, Draper, Wells, Somersetshire. May 2, at 11; Bristol.—YOUNG, WILLIAM WESTON, JOSEPH WESTON YOUNG, & GEORGE YOUNG, Millers & Corn and Provision Merchants, Neath, Glamorganshire. May 2, at 11; Bristol. Same time, separate estate of William Weston Young.

THAMES-STREET AND BISHOPSGATE-STREET.

Valuable Freehold Estates, comprising the King's Arms Publichouse, Lower Thames-street, and a commanding Shop and Warehouse, Bishopsgate-street without, producing £285 per annum.

MESSRS. FAREBROTHER, CLARK, and LYE have received instructions to SELL, at GARRAWAY'S, on WEDNESDAY, MAY 1, at TWELVE, a valuable FREEHOLD ESTATE, comprising that well-known publichouse, the King's Arms, situate No. 61, Lower Thames-street, and 11, Water-lane, leased to Messrs. Courage, Brewers, for a term of 14 years from the 29th September, 1852, leaving only 5¼ unexpired, at the low rent of £190 per annum, and a capital and commanding shop and premises, with large warehouse in the rear, situate No. 85, Bishopsgate-street Without, let on lease to Mr. John Teede, Grocer, for 14 years from Lady-day, 1856, at a rental of, for the first seven years, £95, the remainder at £100 per annum.

To be viewed by permission of the tenants, and particulars had of F. N. DEVEY, Esq., No. 34, Ely-place, Holborn, E.C.; at Garraway's, E.C.; and of Messrs. FAREBROTHER, CLARK, and LYE, 6, Lancaster-place, Strand, W.C.

STAFFORDSHIRE.

Valuable Building Land, in the borough of Wolverhampton; also very desirable Building Sites, Lands, Dwelling-houses, and Cottages, in the parishes of Trysull and Wombourne.

MR. THOMAS LLOYD begs to announce that he has received instructions to offer for SALE by PUBLIC AUCTION, at the SWAN HOTEL, WOLVERHAMPTON, in the early part of the month of MAY, in lots, about nine acres of extremely valuable FREEHOLD BUILDING LAND, situate at Chapel Ash, in the borough of Wolverhampton; also several excellent plots of freehold land, admirably adapted for building purposes, commanding beautiful views of the surrounding country: arable and meadow land, dwelling-houses, cottages, and premises, containing altogether upwards of 100 acres of land, situate in the parish of Trysull, and in the liberty of Orton, in the parish of Wombourne, above five miles from Wolverhampton.

Full particulars will be announced in future advertisements, and in the meantime inquiries may be made of Messrs. BARKER, BOWKER, & PEAKE, Solicitors, Gray's-inn-square, London; and of the Auctioneer, Darlington-street, Wolverhampton.

YORKSHIRE.—FREEHOLDS, COPYHOLDS, AND BEDS OF COAL, LAKE LOCK, NEAR WAKEFIELD.

TO BE SOLD, pursuant to an Order of the High Court of Chancery, made in certain causes of "Hoyland *v.* Hemingway," and "Hoyland *v.* Hemingway," and by arrangement with the owners, with the approbation of the Vice-Chancellor Sir Richard Torin Kindersley, the judge to whose court the said causes are attached by Mr. EDWARD LANCASTER, the person appointed by the said judge, at the STRAFFORD ARMS HOTEL, in WAKEFIELD, in the county of YORK, on MONDAY, the 13th day of MAY, 1861, at TWO o'Clock in the afternoon, in Six Lots.

Valuable Freehold and Copyhold Estates, situate at or near Lake Lock and Altofts, near Wakefield, in the county of York, containing FORTY ACRES or thereabouts, and now or late in the several occupations of Millington Crew, Robert Clegg, Henry Wilde, William Copley, John Craven, Mrs. Hamshaw, Thomas Bressley, Smith & Watson, Messrs. Charlesworth, William Craven, and Michael Calvert.

Also the Beds of Coal and other Minerals under the old enclosed parts of the same, and other estates lately sold in the above causes, all late the property in equal moieties of Hepley Watson, Esq., deceased, and Edward Hemingway, Esq., deceased.

Printed particulars and conditions of sale and plans of the estate, may be had (gratis), in London, of Messrs. PERKINS & SON, Solicitors, 13, Great James-street, Bedford-row, and Messrs. FEW, Henrietta-street, Covent Garden: and in the country, of Mr. HOYLAND, Solicitor, Brierley, near Barnsley; Messrs. NELSON, BULMER, & NELSON, Solicitors, Leeds; Messrs. TEALE & APPLETON, Solicitors, Leeds; Mr. JAMES BULMER, Surveyor, York; Mr. LANCASTER, Barnsley; the Auctioneer; and at the place of sale.—Dated the 27th day of March, 1861.

CHARLES PUGH, Chief Clerk.

DEEPING SAINT NICHOLAS, LINCOLNSHIRE.

TO BE SOLD by AUCTION, by Mr. PIKE (by direction of the devisees in trust of the late Thomas Oakes, Esq.), at the RED LION HOTEL, SPALDING, on TUESDAY, APRIL 23, 1861, at FOUR for FIVE o'clock precisely in the afternoon, in Two Lots, a valuable FREEHOLD FEN ESTATE of inheritance, tithe free, containing 562 acres, or thereabouts.

Lot 1.—A farm house, with barns, stables, and outbuildings, adjoining the Deeping Turnpike-road, and detached labourer's cottage, barn, and outbuildings, in the centre of the farm, together with fifteen pieces of rich arable land, lying and adjoining the farm house, containing 282a. 2r. 33p., and known as Green's Farm, bounded by lands of the Rev. William Fitz Hugh, on the north-east; by the Market Deeping Turnpike-road, south-east; by lot 2, south-west; and by the North Drove Drain, north-west; now in the occupation of the trustees of the late Mr. John Holland, and known as Green's Farm.

Lot 2.—A farm house, with barn, stables, and outbuildings, adjoining the Deeping Turnpike-road, and detached labourer's cottage, and barn, in the centre of the farms together with twelve pieces of rich arable land, lying and adjoining the farm-house, known as Exton's Farm, containing 277a. 3r. 31p. bounded by lot 1, on the north-east; by the Market Deeping Turnpike-road, south-east; by lands of Mr. William Brown, south-west; and by the North Drove Drain, on the north-west; now in the occupation of Mr. James T. Calthrop, and known as Exton's Farm.

Both lots are held under a lease, which will expire in October, 1864, at the low gross rent of £350, and which, from the improved drainage and railway communication, can, at the expiration of the lease, be greatly enhanced.

Particulars and conditions of sale, and plans of the estate, may be obtained of Mr. W. PIKE, the Auctioneer; Mr. J. G. CALTHROP, Solicitor, Spalding; Mr. APPLEBY, Solicitor, 6, Harpur-street, Red Lion-square, London, W.C.; and at the principal hotels in the neighbourhood of Spalding.

ESSEX,

On the high road from London to Southend, and within 1½ mile of the Pitsea Station, on the London, Tilbury, and Southend Railway.—Very valuable Freehold Estates, land-tax redeemed, embracing an area of 324a. 1r. 25p. of very productive Arable, Pasture, and Grazing Land, with Farm, Homesteads, and Two Cottages, situate in the parishes of Vange, Pitsea, and Basildon; also the Advowson and Next Presentation to the Rectory of Vange, together with a Rectory-house, tastefully laid-out Pleasure Grounds, all necessary Outbuildings, and 75a. 0r. 17p. of Glebe Land, the whole producing, at a moderate estimate, an income of upwards of £750 per annum.

MESSRS. BEADEL and SONS are instructed to offer for SALE by AUCTION, at the MART, Bartholomew-lane, on TUESDAY, MAY 7, at TWELVE for ONE, in Lots, MERRICKS or VANGE WHARF FARM, in the parish of Vange; comprising a residence, farm homestead, and 148a. 1r. 28p. of superior arable, pasture, and grazing marsh land, principally abutting upon the high road from London to Southend, together with the wharf, from which produce is shipped and manure landed, in the occupation of Mr. John Pocklington, a yearly tenant; the Hill Farm, in the parishes of Vange and Basildon, consisting of a comfortable farm-house, capital buildings, and 114a. 2r. 1p. of useful land, in the occupation of Mr. William Burchill, a yearly tenant; Felmores Farm, in the parish of Pitsea, including a residence, farm buildings, and 61a. 1r. 1p. of capital land, in the occupation of Messrs. William and Abraham Wright, yearly tenants; the Advowson and Next Presentation to the Rectory of Vange, together with the rectory house and outbuildings, and 75a. 0r. 17p. of arable and grazing land.

Further particulars may be obtained of ORTON LUCAS, Esq., 50, Fenchurch-street, E.C.; at the Mart; and of Messrs. BEADEL and SONS, No. 25, Gresham-street, London, E.C., and Chelmsford, Essex.

The Reversion, expectant on the death of a lady, aged 70 years in May, 1861, in 14 Copyhold Houses at Limehouse, Freehold Manufacturing Premises, brick-built Dwelling-houses, Timber-yard, Workshops, Cottages, and other Buildings, with Wharfage to the river Lea, and on the high road from London to Stratford.

MESSRS. BEADEL and SONS are instructed to offer by AUCTION, at the MART, Bartholomew-lane, London, on TUESDAY, the 7th day of MAY, at TWELVE for ONE o'clock, in Three Lots, the REVERSION, expectant on the death of a lady, aged 70 years in May, 1861, in the following PROPERTY, viz.:—14 copyhold brick and tiled houses, being Nos. 1 to 12, and Nos. 15 and 16, Edward-street, Limehouse; the substantially erected freehold manufacturing premises, with workshops, manager's house, coach house, stable, packing rooms, lodge, and large yard, together known as Bell and Blacks lucifer match manufactory, and let on lease to, and in the occupation of, Messrs. Bell and Black; two brick-built and slated dwelling-houses, large enclosed timber-yard, workshops, counting-house, large brick and timber-built warehouses, six-stall stable and loose box, let on lease to, and in the occupation of, Messrs. Cordery and Chance, situate on the high Essex road, near Bow-bridge; four freehold cottages, wheelwright's shop, granaries, stables, and enclosed yard, with wharfage on the river Lea, adjoining Bow-bridge, known as Woodstock-place, in the occupation of Messrs. G. P. Vale, A. Whipps, W. Smee, and J. Banner.

The premises may be viewed by permission of the tenants, and particulars, with lithographic plans and conditions of sale, obtained of Messrs. TAMPLIN & TAYLER, Solicitors, 159, Fenchurch-street; Messrs. G. & E. HILLEARY, 5, Fenchurch-buildings, Fenchurch-street; at the MART; and of Messrs. BEADEL & SONS, 25, Gresham-street, London, E.C., and Chelmsford, Essex.

BRITISH MUTUAL INVESTMENT, LOAN and DISCOUNT COMPANY (Limited),

17, NEW BRIDGE-STREET, BLACKFRIARS, LONDON, E.C.

Capital, £200,000, in 20,000 shares of £10 each. £3 per share paid.

CHAIRMAN.

METCALF HOPGOOD, Esq., Bishopsgate-street.

SOLICITORS.

Messrs. PATTESON & COBBOLD, 3, Bedford-row.

MANAGER.

CHARLES JAMES THICKE, Esq., 17, New Bridge-street.

INVESTMENTS.—The present rate of interest on money deposited with the Company for fixed periods, or subject to an agreed notice of withdrawal, is 5 per cent.

LOANS.—Advances are made, in sums from £50 to £1,000, upon approved personal and other security, repayable by easy instalments, extending over any period not exceeding 10 years.

Applications for the new issue of Shares may be made to the Secretary, of whom Prospectuses, the last Annual Report, and every information can be obtained. JOSEPH K. JACKSON, Secretary.

REVERSIONS AND ANNUITIES.

LAW REVERSIONARY INTEREST SOCIETY,

68, CHANCERY-LANE, LONDON.

CHAIRMAN—Russell Gurney, Esq., Q.C., Recorder of London.

DEPUTY-CHAIRMAN—Nassau W. Senior, Esq., late Master in Chancery.

Reversions and Life Interests purchased. Immediate and Deferred Annuities granted in exchange for Reversionary and Contingent Interests.

Annuities, Immediate, Deferred, and Contingent, and also Endowments, granted on favourable terms.

Prospectuses and Forms of Proposal, and all further information, may be had at the Office. C. B. CLABON, Secretary.

PROMOTER LIFE ASSURANCE OFFICE, London: established in 1826.—This SOCIETY has REMOVED to its new offices, 29, Fleet-street. Every description of assurance effected. Low rates without profits. Moderate rates with profits.

MICHAEL SAWARD, Secretary.

We cannot notice any communication unless accompanied by the name and address of the writer.

*** *Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher*

THE SOLICITORS' JOURNAL.

LONDON, APRIL 20, 1861.

CURRENT TOPICS.

Of all the numerous Bills affecting the law and the interests of lawyers, the only one of any importance which has received the sanction of Parliament in the present session is the one which provides for increasing the facilities for the transfer of the public stocks and annuities. We stated last week the effect of the provisions contained in this statute. The Lord Chancellor's Bill to amend the law relating to trade marks has passed the House of Lords, and received a second reading in the House of Commons. Probably in the course of a few days it will be enacted; and we shall then be prepared without delay to commence a series of useful papers upon the general law of trade marks, and upon the new Act of Parliament. Sir Richard Bethell has also brought in a Bill upon a cognate subject, namely, Copyright in Works of Art. Should this become law, as most likely it will, we hope to present our readers with a useful and timely commentary upon the statute. The Statute Law Revision Bill, of which we gave a detailed account in a former number of this Journal, has been referred to a select committee of the House of Commons, and notwithstanding some opposition from Mr. Whiteside, is almost certain to receive the sanction of Parliament before the session closes. The Lord Chancellor's Lunacy Regulation Bill contains some useful provisions enabling the Lord Chancellor in certain cases to apply the property of a lunatic for his benefit in a summary manner without inquisition where the amount of the property does not exceed £500 in value. This Bill also contains some valuable provisions relating to the visitation of lunatics. Lord Kingsdown has just introduced a Bill to amend the law with respect to wills of personal estate. It proposes that every will made out of the United Kingdom by a British subject, shall, as regards personal estate, be admitted to probate if made according to the forms required "either by the law of the place where the same was made, or by the law of the place where such person was domiciled when the same was made, or by the laws then in force in any part of the United Kingdom." The Bill for enabling boroughs containing 25,000 inhabitants to provide for the appointment of stipendiary magistrates has not yet received any discussion, and not having been introduced by the Government is not very likely to be added to our statute book this year. The Trustees of Charities Bill has been lost in the House of Commons. Sir Richard Bethell's great bankruptcy measure has received a very rough handling in the House of Lords from Lord Chelmsford and Lord Kingsdown. The former noble lord was opposed especially to the transfer of bankruptcy jurisdiction to county court judges, one of his strongest reasons being that the registrar of a county court would be made to discharge, in addition to his present multifarious duties, those of an official assignee. Lord Kingsdown objected strongly to the abolition of the distinction between traders and non-traders, for the purposes of the Act; and also to the appointment of the new Appellate Judge. His lordship suggested that no persons could be more competent to hear appeals from the Bankruptcy Commissioners than the Equity Judges. Lord Cranworth also expressed his opinion against the appointment of a chief judge in bankruptcy; and, indeed, the opinion that no such new functionary is required is now becoming generally entertained.

The recent general order of Chancery relating to the mode of taking evidence in that court, came into operation on the first day of the present term; but does not appear to have yet produced any observable effect upon the practice of the Court. It is, however, rather too soon to judge of the extent or character of its operation, as the orders apply only to causes in which "issue is joined" on the first day of Easter Term or subsequently, and therefore none of these causes can yet have come on for hearing. It will require a few weeks longer to discover how far suitors are now availing themselves of their power to have their causes determined upon oral examination in open court. It may not have been generally noticed by practitioners, but it appears to be the fact, that the new order does not apply to causes coming on upon motion for decree, but only to those in which "issue is joined." The effect of this restriction will be very much to limit the application of the order, as in a very large proportion of causes replication is never filed and issue is never joined, but they are determined upon motion for decree according to the modern practice. It was, however, probably intended by the chancery judges to make the experiment of oral examinations in court upon a somewhat limited scale; but in case the new system should be found to work well there appears to be no reason why it should not be applicable to all chancery causes.

The question whether a clerk of the peace for a borough can exercise his functions by deputy is now under discussion in the Leeds Town Council; and as the point is one of some importance to many of our readers, we propose to devote a few lines to its consideration. There is no doubt that the clerk of the peace in counties may act by deputy, for the 1 W. & M., sess. 1, c. 21, s. 5, empowers him to execute his office in person, "or by his sufficient deputy;" and, accordingly, in some counties the clerk of the peace is in effect a mere sinecurist, pocketing an immense income, while all his duties are performed by the deputy. The Municipal Corporation Act, however, 5 & 6 Wm. 4, c. 76, s. 103, merely provides that "the council of every borough shall appoint a fit person to be clerk of the peace during his good behaviour," and says nothing of a deputy. The borough clerk of the peace, therefore, derives no power to appoint a deputy from the statute under which he himself is appointed; and the question seems to resolve itself into this—whether he has any such power at common law? Now it is laid down in the books that offices may be distinguished into offices of trust (comprising those which are judicial) and offices merely ministerial. The former cannot in general be performed by deputy, the latter usually may (3 St. Com. 18, 1st ed.). If this statement stood alone there would seem to be little doubt that the clerk of the peace of a borough might perform his office by deputy, as it appears to fall under the head of offices "merely ministerial." There is, however, a case of *Rex* v. *Gravesend*, 2 B. & C. 602, which casts considerable doubt upon the general proposition that a ministerial office may, as a whole, be deputed. In that case the sub-seneschal of a corporation created by charter, which also gave the corporation the power to elect the sub-seneschal, had appointed a deputy to perform on his behalf the several ministerial duties belonging to his office. The corporation refused to allow the deputy to act, and the Court of Queen's Bench held that they were right; Lord Tenterden observing that the admission of the deputy to do *all* ministerial acts would be *to make him a corporate officer*, and that the law of the land did not allow such an appointment, *unless it was provided for by the charter*. These expressions of Lord Tenterden's appear to be strongly against the right of a clerk of the peace, appointed under the Municipal Corporation Act, to appoint a deputy who would thus in his lordship's words become a corporate officer. If a ministerial

officer, appointed under a charter, cannot appoint a deputy without an express provision to that effect, it is difficult to see how a ministerial officer, appointed under the provisions of a statute, can do so. The very fact, moreover, that it was deemed necessary by the 1 W. & M., sess. 1, c. 21, s. 5, to give to the clerks of the peace then known to the law, an express power to act by deputy, seems to imply that *they* would not have possessed such power had it not been conferred upon them by statute.

It does not seem that any argument in favour of the power of a clerk of the peace of a borough to appoint a deputy can be drawn from the statute of William and Mary, as the clerks of the peace contemplated by that statute are wholly different officers from those appointed under the Municipal Corporation Act, and the appointment of a deputy under the former Act must be confirmed by the *custus rotulorum*, an officer who, *eo nomine*, at all events has no existence in corporations.

Although it appears to us very doubtful, for the reasons which we have stated, whether a clerk of the peace for a borough can appoint a deputy to exercise all his own functions, it is quite another question whether such a power might not be conveniently conferred upon him. We entertain very little doubt that it might, so far as the public are concerned. Judging from the debates in the Leeds Town Council, there seems to be no pretence whatever for saying that the duties of the clerk of the peace have not been efficiently performed by his deputy. Looking at the question, however, in a professional point of view, it is fairly open to argument whether the appointment of a deputy by such an officer as the clerk of the peace is desirable. When the office becomes vacant, by the death or resignation of the clerk himself, the council must then elect another clerk, and the gentleman who may for some years have acted as deputy, has a very superior chance of success as against all his competitors, so much so, indeed, that if he has performed his duties with average ability and diligence, it would seem almost invidious to elect a stranger. In fact, the appointment of a deputy by the clerk of the peace will virtually, in most cases, take the power of appointing his successor out of the hands of the council, and vest it in his own, thus making the office a kind of heir-loom in a family, or in a firm. As to whether such a course is advantageous to the profession as a whole, we hesitate to pronounce any decided opinion, and can only conclude with Sir Roger de Coverley—that much may be said on both sides of the question.

OUR COURTS OF APPEAL.

We should as soon think of composing a thesis *in laudem philosophiæ* as of entering upon any lengthened argument to prove the necessity that exists in every system of jurisprudence for well-constituted courts of appeal. The court of ultimate resort is the key-stone of the judicial arch. It should certainly possess an inherent superiority over the subordinate tribunals whose action it regulates. Not only are the lower courts dependent for efficient direction upon the appellate judicature to which they are subject; but the law itself, in all its departments, however excellent, considered abstractedly, very much owes its practical character to the manner in which it is administered by the highest tribunals. We cited *ante* (vol. 4, pp. 943, 951), a number of cases illustrating the abnormal character of our English appellate courts, and the uncertainty that often exists whether the final decision in any case may not be opposed to the opinions of the majority of the judges of Westminster Hall or Lincoln's-inn. This surely is a state of things which tends to encourage and prolong litigation in its most vexatious form.

The report of the Master of the Rolls and the Vice-Chancellors on the Law and Equity Bill of last year concludes by recommending "that no attempt should be made to alter our tribunals, until a careful revision has been made of our whole law." This consummation, however, is a contingency somewhat too remote to be patiently waited for by those who seek a reform of our courts. Yet the observation we have quoted implies a principle which is not to be rejected even by those who, contrary to the opinion expressed in the report, advocate a speedy fusion of our systems of law and equity. That principle is the harmony that should exist between the constitution of tribunals, and the laws which they administer. All changes in the constitution of our courts, if intended to be permanent, should have a relation to the genius and spirit of those reforms which are likely to be realized, and anticipate their tendencies, so far as this can be effected without a sacrifice of present efficiency. It is almost idle now to discuss the comparative utility of distinct or united systems of equity and law. The fusion is not yet accomplished. But, perhaps, it is more nearly so than the majority of lawyers expect. Has not common law accepted the compulsory donations of equity contained in the Common Law Procedure Acts? and so, on the other hand, we find common law jurisdiction and procedure largely introduced of late into Chancery. The old exclusiveness of both systems has ceased to exist. Each, indeed, still seems disposed to extort concessions from the other without professing to desire a strict partnership. But these concessions and compromises are but the terms of an armistice which is certain some day to result in a thorough union. Reform, then, when applied to our appellate judicature, should note these tendencies and propose no innovation that will not provide both for present wants and probable emergencies of the future. The only division of labour which the nature of things recognizes as inherent in judicial administration is the division of causes into those of law and those of fact. We concur with the opinion expressed by Lord St. Leonards, in his report on the Chancery Evidence Commission last year, that a Nisi Prius tumult is not congenial to courts of equity, nor to any tribunal whose chief business is the determination of questions of law. But we see no difference in the conditions requisite to the effective working of a court of equity and those which are connected with a purely legal tribunal, such, for instance, as the Exchequer Chamber, which is exclusively concerned with questions of law. It is the same habit of mind, the same analytic reasoning, that is required to determine the difficult niceties of a recovery, an ejectment, or a remitter, and the equally subtle rules relating to equitable conversion or constructive notice. It is unnecessary for us, however, to discuss the alleged essential distinctions between law and equity, or to deny the analogy between the Roman Prætorian law and our Chancery. Our legislation, for the last ten years, has proceeded on the assumption that the existing distinctions are but the deductions of a technical sagacity, reasoning from erroneous or fictitious data. The tendencies of Reform being in the same direction, the barrier between the two systems, if it shall not be completely removed by a single statute, is sure to be levelled by successive assaults.

As our systems of law and equity have never had separate courts of final appeal, we may inquire, why should there not be a confluence of jurisdictions preliminary to the House of Lords? There is surely no *à priori* objection to the establishment of a court which should unite the present functions—although not the several constituent members—of the Courts of Appeal in Chancery, and of the Court of Exchequer Chamber, and which should be so constituted, both as to the number and rank of its judges, as to be calculated to give satisfaction to suitors. The Lord Chancellor, Lords Justices, and the chief common law judges, would, perhaps, constitute a court of the required efficiency. The Court of Appeal in Chancery in Ireland is, in principle, although not in its constitution, the model which we

propose for imitation. This Court adjudicates upon appeals both from the Irish Courts of Equity and also from the Landed Estates Court, which is a court both of law and equity. It has thus both a legal and equitable jurisdiction in all causes relating to land. It is defective, indeed, in point of numerical strength; but that objection might be easily obviated. One of the objects sought to be attained by the establishment of this court, was the rendering of appeals to the House of Lords unnecessary. This advantage, though not of equal urgency on this side of the channel, is, nevertheless, valuable as an impediment to protracted litigation, and as rendering the difficulties which oppose a reform of the Lords' Appellate Court less hurtful in their results. An effective appeal court should, of course, sit as continuously as the pressure of business would require; but the appeals to the Exchequer Chamber and to the Chancery Appeal Courts, if added together, scarcely transcend the amount of work capable of being transacted by a single court. The members of this tribunal could likewise, in rotation, attend their own courts, leaving however a sufficient quorum to sit as continuously as might be required.

Notwithstanding the theoretical distinctness of our judicial systems, cases are continually escaping from their original sphere, and, like so many comets, threaten mischief and confusion to the region in which they next present themselves. Thus in *Bateman* v. *Freeston*, 9 W. R. 311, a bankrupt was arrested under a *ca. sa.* issued upon a certificate granted by the Commissioner under the 12 & 13 Vict., c. 106, s. 257 (the Bankrupt Law Consolidation Act), and before the day appointed for the bankrupt's final examination, but after the day fixed for final examination, another creditor obtained a like certificate, upon which he also issued a *ca. sa.*, and lodged a detainer with the sheriff. The Court of Exchequer, in *Ockford* v. *Freeston*, and *Chapman* v. *Freeston*, 9 W. R. 315, had held the first arrest illegal, and the detainer under the second *ca. sa.* likewise invalid. The Court of Queen's Bench held in *Bateman* v. *Freeston*, that assuming the first arrest to be illegal, which was their opinion, the detainer by the second creditor was nevertheless valid. Now, *Hooper* v. *Lane*, 6 Ho. of L. C. 443; 6 W. R. 146; unanimously decided by all the law lords, expressly determines the contrary, and was relied on by the Court of Exchequer in the cases above cited. Finally, in *Ex parte Freeston*, 9 W. R. 321, the full Court of Appeal in Chancery decided in accordance with the decision of the Court of Exchequer. Thus was a decision in bankruptcy the subject of conflicting decisions at law and in equity, both classes of courts recognizing no common ligamen. While our appellate courts enjoy little inherent authority as distinguished from the necessarily conclusive nature of their judgments, we cannot feel so much surprised at the apparent rashness of the Court of Queen's Bench, from which we should have expected a sound judgment upon a question of *habeas corpus*, in overlooking the authority of *Hooper* v. *Lane*, which certainly seems to harmonize with the first principles of law as well as of common sense. It may be asked if an appellate court be constituted of the strength we recommend, where are we to get judges for the House of Lords, who will preponderate both in numbers and influence over the intermediate Court of Appeal? We shall now enter upon this stage of our review, premising that an intermediate Appellate Court of adequate strength would strongly tend to diminish the number of final appeals.

The existence of two distinct Supreme Courts of Appeal does seem to violate the theoretical harmony at which our legal system should aim. The House of Lords, as our readers are aware, adjudicates upon appeals in law and equity, and also upon those brought from the Courts of Probate and Divorce, while the province of the Judicial Committee of the Privy Council comprises all appeals from the Isle of Man, the Channel Islands, and all foreign British possessions, as also appeals from the Admiralty and Ecclesiastical Courts. A single supreme court of appeal is, doubtless, the natural apex to a scientific system of judicature. If, however, the Lords' Appellate Court was calculated to give equal satisfaction with that given by the Judicial Committee of the Privy Council, this divided operation of our supreme appellate courts would be comparatively unimportant.

The transference of the judicial functions of the House of Lords to the Privy Council, though sometimes mooted, does not, we think, find general acceptance. The transference of the duties of the latter Supreme Court to the House of Lords has not been much discussed, simply because the Judicial Committee has been found to work exceedingly well, and all the members of that Court should be raised to the peerage before they could adjudicate in the Lords' Appellate Court. The Judicial Committee of the Privy Council is generally regarded as a model appeal court; the House of Lords, on the other hand, must be admitted to be frequently deficient in judicial force. The decision of a final court of appeal upon uncertain questions of law is equivalent to an Act of Parliament, the House of Lords never having, so far as we are aware, reversed its own decision upon the same state of facts. Now if we would not desire that a triumvirate of law lords should be substituted for the Queen, Lords, and Commons, in matters of legislation, why should we consider the number three as denoting an adequate attendance of lords at the hearing of appeals, the decisions upon which are the ultimate and only indisputable definitions of the law? The attendance of members of the House, except the Chancellor, is voluntary, and the average attendance of law lords is not considered adequate. In the session of 1855, for some weeks, only two law lords, the Lord Chancellor and Lord St. Leonards, sat to hear appeals, and upon some of these they differed and proceeded to a decision which operated as a confirmation of the judgment appealed against. This unsatisfactory state of things awakened the attention of Government to the necessity that existed for increasing the judicial force of the House. The system of life peerages was then unsuccessfully proposed, and we are now in the same predicament in which we were in 1855. We cannot, indeed, complain at present of appeals being heard only by one or two law lords; but, as the House is at present constituted, such a contingency is by no means unlikely to occur again. Of the various plans proposed for strengthening the judicial force of the House, none appears to us more efficacious, or less open to objection, than the expedient of giving the Crown power to confer life peerages upon the chief judges of our law and equity courts, or upon the members of the Judicial Committee of Privy Council, or upon a limited number of persons who have filled similarly high judicial offices. No doubt, all inroads upon the supposed primary principles of our constitution are to be avoided; but we do not see how the desire that the House of Lords should retain its present judicial functions, as this appears to be the public wish upon the matter, can be effectuated, and yet that these functions are to be effectively discharged, while the attendance of the law members of the House is as precarious as it is at present. That the power to create life peers might be abused by the minister of the day does not appear to us to be a strong objection to the measure, inasmuch as ministers of different principles would have each a control over appointments to the vacancies that might occur during his tenure of office. Unless the death of a life peer happened at a conjuncture when a vote in the Upper House would be a sufficient temptation to a minister to brave public opinion, and determine his selection on political grounds only, the temptation to make an improper choice does not appear likely to exist. Moreover, life peers might be expected to keep as much aloof from political discussions as lay members of the House do from interfering

with judicial adjudications. If, however, the system of life peerages be disapproved of as contravening supposed ancient usage, another remedy is available, which, although seemingly unconstitutional, is, nevertheless, of most undoubted antiquity. This resource is the calling upon judges or lawyers, not members of the House, and giving them the power of joining in the decisions. As constitutional precedent favours this course, is it not an obvious remedy for the existing defect to give such powers to the members of the Privy Council, or to the members of the Chancery Appeal Court? At all events, it is unreasonable to find fault both with the existing constitution of the Lords' Appellate Court, and also with every measure calculated to supply the existing defects. If the Lords' Appellate Court comprised an adequate amount of judicial strength, there would not, of course, be the present grounds for violating the symmetry of our legal system by the existence of two distinct supreme courts of appeal.

The English Law of Domicil.

(By Oliver Stephen Round, Esq., of Lincoln's-inn, *Barrister-at-law.*)

IX. (*Continued.*)

The case of *Brook* v. *Brook*, referred to in my last article (on appeal, 9 W. R. 461), shows that Scotland for many purposes is a foreign country, and, as I have often had occasion to observe, especially in the case of domicil. This is well illustrated by the case of *Macaren* v. *Stainton*, 22 L. J., N. S., Ch. 274, & 26, ibid. 332. In that case Henry Stainton, who was domiciled in England, was the London agent of the Carron Iron Company, and was so at the time of his death, being then the holder of 101 shares in the company, worth £80,000. His personalty amounted to £182,000, and he was likewise possessed of large real estate in Scotland. His will was proved in England and Scotland, and the Carron Iron Company brought an action against his executors in the Court of Session for £100,000 alleged to be due on a balance of accounts, and the company obtained letters of arrestment against the real estate in Scotland. A bill was filed in England by the executors against the Carron Company to restrain that action, and the case coming on at the Rolls the Master of the Rolls granted the injunction, and afterwards dismissed a motion to dissolve it. On appeal to the House of Lords this decision was reversed. Another suit was then instituted by the executors, and an injunction similar to the other was moved for before the full Court of Appeal, when the Lord Chancellor and Lords Justices refused the motion with costs. This decision at first sight would seem to trench upon the rule that property is regulated by the law of the country in which a party dies domiciled; but, upon looking into the matter, it will be seen that it does not do so. This was a question of jurisdiction merely, and involved the right of the courts of one country to interfere with the proceedings of the courts of another country as relating to property in that country, not mere personalty, or moveable, but realty, and therefore a part of the soil. Now, the rule that I adverted to, applies, I imagine, exclusively to personalty, otherwise this evil would follow, that the mere fact of the owner of perhaps half the real estate in one country, gaining a domicil in another, would take away all the powers of the law of the country where the realty was situated, over that property upon so slight a circumstance, and deprive the Government of their dues; this could never have been intended, and therefore, the decision in the case of *Maclaren* v. *Stainton* is perfectly in consonance with justice, although the judgment delivered by their lordships does not go fully into the principle.

There seems to have been at different times a question made with respect to the effect of gaining a domicil abroad, as regards the rights attached to the character of a native of a particular country, and it must be confessed there is some difficulty in dealing with such a question, because we are confused with words, and it is therefore necessary to go to the root of the matter to apply the principles of the law to it. It is a great principle of the English legislation that no native of this country should be ever without the means of sustaining life; and hence we have what is very properly called "a poor law;" and the fact that it is surrounded with official difficulties, sufficient sometimes to render it abortive, does not alter the case. At the same time we are not anxious to increase such a burthen, and therefore, if a man has no settlement here, although even then he may be temporarily relieved under the "casual pauper enactment" he must seek relief where he is settled. Where a man has no domicil he can have no settlement, although the same rule may not hold good as a converse proposition; for although in old times settlement and domicil were certainly identical words, domicil is now such a very uncertain thing that it cannot for a moment compete with the fact of a settlement. A domicil, moreover, is chiefly established to avoid government duties, or to gain some advantage under the shadow of a foreign law, whereas settlement would be rather forced upon our government officers than sought to be established by them, as they would lose and not gain by its proof. A domicil may take an English subject entirely beyond the reach of liability to our law in matters of impost, and virtually so in matters of debt. Indeed, it would be only by the permission of a foreign government that any species of legislative power could be exercised over a British subject domiciled abroad with no property in England. The process of naturalization is regulated by statute, and must therefore differ, as in fact it does, in different countries, and the civil rights thus conferred are very distinguishable from the liabilities to which the property of the naturalized person is subject by the fact of his being domiciled where he is naturalized; and, therefore, it follows that although a British subject naturalized abroad, or a Frenchman naturalized in England, may whilst they and all their property remain in that which to them is a foreign country, acquire certain civil rights there, yet, they do not *ipso facto* lose their nationality, but at any moment by returning regain them, if indeed, they have ever lost them. It therefore comes to this, that whilst a person is domiciled and resident abroad, so far as civil liabilities are concerned, our law cannot forcibly touch him; but there is nothing to prevent his return at any moment to England, when those liabilities to which every British born subject is liable would, I apprehend, attach; and if so, why should he not also be entitled to civil rights? not, of course, that that would be a *sequitur* in the case of a foreigner. The object of naturalization is to gain something; but like domicil it is only operative as between the object and the government by which the naturalization is granted, and does not, *primâ facie*, abrogate nationality. Thus it was laid down in the case of *Duncan* v. *Cannan*, 18 Beav 128 (13 Beav. 366) that there is no foundation for the argument or notion that a Scotchman by birth cannot acquire a domicil without repudiating his nationality; but it was doubted whether a foreigner could acquire a civil domicil in France without the authorization of the French Government. It was also decided that a Scotchwoman domiciled in England, might still give a receipt to the trustees of a settlement made upon her in the Scotch form. The fact is, that domicil affects the property rather than the person; and although a native of one country may by the proper legal forms acquire certain rights in another, those rights are not affected by the domicil, and a person may either lose or

acquire a domicil without such loss in the least affecting the rights he or she may have acquired by naturalization, or in any legal manner. With respect to the recognition of acts done in a foreign country, either by a party in his own right, or in right of another, the following appears to be the law. If a party applies for letters of administration in this country, to an intestate domiciled abroad, having already obtained a grant in the proper court of the country where the intestate was domiciled, it would seem that the ecclesiastical court in this country, generally speaking, will follow such grant. "*Williams' Executors*," 1—376. *In re Goods of Morgan*, 2 Roberts 415. But if the original administration be applied for in this country, in such case, where the deceased was a British subject or an alien, since in either event the distribution of his personal property is to be regulated according to the laws of the country of which he was a domiciled inhabitant at the time of his death, it appears to be a necessary consequence that the grant should be made to the person entitled to the effects of the deceased according to the law of that country; *ibid.* A foreigner dying in this country *in itinere*, the law of this country will not recognise the right of a foreign consul to take possession of his goods, 2 Curt. 274; *Atkins* v. *Smith*, 2 Atk. 63; *Barnes* v. *Cole*, Ambl. 416; *Doe* v. *Vardill*, 5 B & C. 451, s. c. 2 Cl. & Fin. 571, 7 ibid. 895, sub nom. *Birtwhistle* v. *Vardill*.

Where a party entitled to administration is resident abroad, he must have notice before administration can be granted to another person. *Goddard* v. *Creponier*, 3 Phill. 637. So in the West Indies, *Miller* v. *Washington*, 3 Hagg. 277; "*Williams' Ex.*" 1—385. If a foreigner dies intestate in the British dominions, administration will be granted according to the law of his own country. *In re Goods of Biggin*, 1 Add. 340; *In re Goods of Countess de Cunha*, 1 Hagg. 239; *In re Goods of Stewart*, 1 Curt. 904; *In re Goods of Rogerson*, 2 Curt. 656. In Scotland the same rule applies. The ambassador must certify the law of the country of which such foreigner is a native. *In re Goods of Dormoy*, 3 Hagg. 767.

If an intestate is domiciled abroad, or within the sovereign's dominions out of this country, and has left assets here, administration must be taken out here as well in the country of the domicil. *Le Breton* v. *Le Quesne*, 2 Cas. temp. Lee, 261; *Attorney General* v. *Bowens*, 4 M. & W. 193.

CHAP. X.

OF RESIDENCE IN VARIOUS COUNTRIES.

We have seen the view which our law takes of the abandonment of either a domicil of origin, or an acquired domicil, in the simple and ordinary case of leaving a native country, settling abroad, so as to become a subject of a foreign state, and then returning to the domicil of birth, and there dying; but the case which involves the greatest difficulty is that in which the party has resided in an indefinite number of places, had establishments, perhaps in all, and even kept up several at the same time. Such a case is almost sufficiently difficult to baffle our endeavours to apply the well-known principles; and it is only by supposing a number of circumstances applicable to such cases, and considering the cases which have occurred, and upon which decisions have been come to, that we can arrive at anything like a conclusion. Every man must be possessed of some kind of property, and therefore, in such cases as that now under consideration, it is of importance to turn the attention to this point. Suppose a man having spent the greater part of his life in business, retires from his labours upon a competence, gives up housekeeping, disposes of his effects, and goes abroad, intending to devote the remainder of his life to change of scene, and the exploring of other countries, and to this end, travels from place to place, regulating his sojourn in each according to his caprice, or the inducements he there finds to shorten or prolong it, and ultimately dies in one of these excursions; in such a case there can be no doubt that the domicil of origin has not been displaced, and the least article of property left behind him in his native country would be sufficient, I apprehend, to fix such as his domicil, in the absence, of course, of any fixed intention appearing to reside elsewhere. Thus, if furniture or goods be left in the country which is the domicil of birth or origin, and the owner of them travels from place to place abroad; but being charmed with some particular locality, determines there to locate himself, sends for such furniture and goods; takes a residence and there establishes himself for even two years or one year, though he should afterwards travel into other countries, even into his own, yet if he leaves his establishment and furniture in such foreign country, or until he actually abandons such residence by total sale of his property, and the giving up of his house, such residence will determine his domicil, and the domicil of birth or origin having been abandoned, and a new one acquired, the acquired domicil becomes the domicil until it is abandoned; and in the absence of any such settling, the domicil of origin must, I apprehend, be again had recourse to. Cases have occurred in which a party has abandoned his original domicil, has acquired another, has abandoned that, has acquired another, and has then travelled about the world, having entirely broken up his establishment in the last place where the domicil was acquired, except that a few personal effects were left in such place in the care of a friend, there being still property existing in the second and acquired domicil; and yet as it clearly appeared that the last domicil was left merely for the sake of health; it was decided almost in the absence of all other evidence that the last acquired domicil was that to be considered as prevailing at the period of his death.

One great principle that is always acted upon in the cases of numerous and uncertain residence in different countries, is that a new domicil cannot be acquired by mere intention, however clearly evident; and therefore, if every species of property possessed by a person is converted into *specie*, and forms a part of his baggage, or even if such property, so converted, should be transmitted through a banker, or otherwise to another country, where the intention was to finally settle, unless the party does so settle, and remain long enough to be regarded as an inhabitant, with intention to remain, no new domicil is acquired; and if so, it follows, that the abandonment is only such in case of such new acquirement, and ceases to be an abandonment in case the new acquirement does not take effect. To decide otherwise would be in effect to say, that a man may have *no* domicil, a state of things quite inconsistent with the policy of the law. Circumstances as well as facts must be regarded in the consideration of this branch of the subject. What I mean is this:—The possession of property is a fact; but there may be ties both of interest and regard which so link a person to a particular country as to make it in the last degree improbable that he will ever abandon it. Thus, if an individual proceeds abroad upon a speculation, and hires a residence for a limited term renewed from time to time, but his position is such that he may return at any moment to his native soil, though the residence abroad is amply sufficient to secure him in a new domicil, yet, it appears clear that a constant probability of return, more particularly if it be added to circumstances making it a matter of certainty that he will do so, although the exact period is uncertain, will have the effect of retaining the original domicil and preventing the acquirement of a new one.

(*To be continued.*)

The Courts, Appointments, Promotions, Vacancies, &c.

MIDDLESEX SESSIONS.

April 15.—The April adjourned sessions commenced this morning at Clerkenwell before Mr. Bodkin, Assistant Judge, and a full bench of magistrates.

Mr. John Locke, Q.C., M.P. for Southwark, has accepted the recordership of Brighton, rendered vacant by the recent retirement of Mr. Edwin James.

It is rumoured that Mr. J. B. Maule, of the Northern Circuit, has been appointed Recorder of Leeds, in the room of the late Mr. T. F. Ellis.

The Queen has been pleased to appoint George Hunter Cary, Esq., to be Attorney-General for the island of Vancouver.

Parliament and Legislation.

HOUSE OF LORDS.

Monday, April 15.

LUNACY REGULATION BILL.

Their lordships went into committee on this Bill.

The LORD CHANCELLOR moved an amendment, that instead of two medical visitors there should be but one, who should devote his whole time to the discharge of his duties.

The Earl of SHAFTESBURY thought the amendment indicated by the noble and learned lord would operate most beneficially. It was necessary that the medical officer should devote his time exclusively to the discharge of the duties intrusted to him under the Bill.

The Marquis of WESTMEATH regretted that no protection was given by the Bill to lunatics, who, though not dangerous, were yet unable to take care of themselves or their properties.

After a few words from the LORD CHANCELLOR,

The House went into committee on the Bill, when the amendments suggested by the Lord Chancellor were agreed to.

Tuesday, April 16.

BANKRUPTCY AND INSOLVENCY BILL.

The LORD CHANCELLOR, in moving the second reading of the Bankruptcy and Insolvency Bill, expressed a hope that it would meet with the approbation of the House, as he believed that the objections formerly entertained against it by their lordships had been met by the Bill before them. His lordship then gave the history of the past and present state of the law of bankruptcy; and having briefly touched upon the state of the law of insolvency, the abolition of the distinction of traders and non-traders, and the proposed alterations, he proceeded to explain the object of the Bill, and entered at some length into its various details.

Lord CHELMSFORD thought that the Bill, without considerable alterations, would hardly acquire the confidence of the country. In his opinion, the Attorney-General in drawing up this Bill had listened too much to the Mercantile Law Amendment Society, who represented one party on bankruptcy, and, consequently, had run entirely counter to the views of the other. By so doing the interests of the smaller estates had been sacrificed to the larger, and the machinery which this Bill proposed to introduce would be found far too cumbrous for smaller bankruptcies. In the case of the larger bankruptcies there would be a struggle for the post of creditors' assignee, while in that of the smaller the creditors would decline to appoint an assignee, and the estate would be left to the official assignee. There was also some danger of a collision between the creditors and the official assignees, and in that case what would become of the estate? The result of the present measure, with its proposed system of accounts and checks, and the addition of the creditors' assignee, instead of diminishing, would increase the expenses, and lead by collision between the assignees to a complete deadlock. In regard to the abolition of the distinction between traders and non-traders, he strongly objected to the retrospective clauses, and hoped that the House would agree to the amendments which he intended to introduce to prevent such retrospective effect. He strongly condemned the idea of adding a jurisdiction in bankruptcy to the various duties of the county court judges. He had no objection to their having jurisdiction in cases of insolvency. In conclusion he expressed a fervent hope that their lordships would not pass the Bill in its present state, but would, if a motion to the effect were made, refer it to a select committee.

Lord CRANWORTH thought the Bill contained many excellent provisions, and considered the mode in which it was proposed to abolish the distinction between traders and non-traders most satisfactory; and in regard to the retrospective power of these clauses he thought they were to a certain extent reasonable. As to the extension of the jurisdiction of the county court judges to bankruptcy cases, judging from the report of a commission which had been appointed to investigate the subject, he thought that it was impossible; on this subject, and also on the transfer of the duties of the official assignees, he should reserve his opinions. He also thought that the duties of the judge who was to preside over the new court required explanations. He could not think that the time of the chief judge could be occupied by the duties likely to devolve upon him; nor could he see the necessity for such a functionary with a salary of £5,000 a year, and a secretary of £300.

Lord KINGSDOWN examined the effects of the abolition of the distinction between traders and non-traders, and thought that while it was perfectly fair to give creditors summary powers in the case of the former, in the latter case it would lead to many hardships, especially in the case of inexperienced young men. He objected to the appointment of a judge, as he thought ten commissioners were quite capable of dealing with the matters brought before them. He asked whether it was becoming (as provided by the Bill) that the decision should rest with the judge whether or not he would permit his own ruling to be subjected to review. The Bill would lead to great confusion, and he did not expect that it would conduce to lessen the expenses of bankruptcy. The Bill, he hoped, would be considerably modified in committee.

The LORD CHANCELLOR briefly replied to the objections which had been raised. He opposed sending the Bill to a select committee; on going into committee he would answer at large the objections which had been brought against the Bill.

The Bill was then read a second time.

Thursday, April 18.

BANKRUPTCY AND INSOLVENCY BILL.

The Committee on this Bill was postponed until Friday, May 3.

HOUSE OF COMMONS.

Monday, April 15.

STATUTE LAW REVISION BILL (LORDS).

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that the duty formerly assumed by the Statute Law Commissioners having devolved upon the Lord Chancellor, it appeared that the best mode of proceeding to consolidate the statutes was to ascertain of what the statutes actually consisted. Inquiries were made backwards from the end of the year 1858 to the 11th of George III., and a vast body of statutes were discovered which were indicated in the columns of this Bill, which were no longer in force. The object to be attained was the formation of what he might call an expurgated edition of the statute law, which appeared to be a most desirable thing, before they dealt with the consolidation of the law. He hoped, therefore, to obtain the sanction of the House to a series of statutes which would have for their ultimate end the production of a new edition of the statute law, which at present was contained in 42 folio, or large quarto volumes, but which would be reduced to less than one-fourth of that compass. They would then proceed to consolidation and arrangement. He then moved that the Bill be referred to a select committee.

Mr. WHITESIDE protested against a measure so ponderous in its dimensions, and so complicated and difficult in its character, being referred to a select committee.

After a few words from Mr. HADFIELD, in approval of the Bill, it was read a second time, and referred to a select committee.

COPYRIGHT IN WORKS OF ART.

The ATTORNEY-GENERAL moved for leave to bring in a Bill to amend the law relating to copyright in works of fine art. The artists of all nations in the world were invited to bring their works of art to this country in 1862. We had entered into treaties with other countries and established international copyright, yet there was not in this country any law that gave protection to copyright in works of the mind, which,

above all others he considered were entitled to their protecting care.

Leave was then given to bring in the Bill, which was brought up and read a first time.

Wednesday, April 17.

COMMON LAW PROCEDURE ACT (1856) EXTENSION BILL.

This Bill was read a second time and passed.

ADMIRALTY COURT JURISDICTION BILL.

This Bill was read a second time.

TRUSTEES OF CHARITIES BILL.

On the motion of Mr. Selwyn this Bill was ordered to be committed this day six months.

The Bill was, therefore, lost.

Thursday, April 18.

CHARITABLE USES.

This Bill was read a third time and passed.

VOLUNTEERS TOLLS EXEMPTION BILL.

This Bill was withdrawn for the purpose of introducing another which would more precisely express the object of the measure.

PENDING MEASURES OF LEGISLATION.

LUNACY REGULATION.

A BILL INTITULED AN ACT TO FURTHER DIMINISH THE EXPENSE OF PROCEEDINGS IN LUNACY, AND TO PROVIDE MORE EFFECTUALLY FOR THE VISITING OF LUNATICS, AND FOR OTHER PURPOSES.

1. Act may be cited as "The Lunacy Regulation Act, 1861."

2. Act shall be read and construed according to the interpretations contained in the second section of 16 & 17 Vict. c. 70; and the provisions of the said Act (except so far as the same are altered by and are inconsistent with this Act) shall extend and apply to this Act.

3. This section gives power to the Lord Chancellor, where lunatic does not oppose application, and his property does not exceed £500 in value, to apply it for his benefit in a summary manner, without inquisition.

4. The Lord Chancellor may make orders for regulating the procedure to be adopted and the duties to be performed by the masters and officers in lunacy in carrying the objects of the last section into effect.

5. No person shall be entitled as of right to a traverse of any inquisition taken upon the oath of a jury, whereby any person shall be found lunatic, idiot, or of unsound mind; but any person desiring to traverse such an inquisition may, within three months next after the return of the same, present a petition for that purpose to the Lord Chancellor.

6. Provides that sects. 148 and 149 of 16 & 17 Vict. c. 70, shall not apply to cases within the last preceding section.

7. Prescribes the duties of visitors.

8. Provides that all lunatics in licensed houses shall be visited once a year, in addition to visits by commissioners, and that all other lunatics shall be visited twice a year.

9. Repeals sections 104 and 105 of 16 & 17 Vict. c. 70.

10. The visitors of lunatics and registrar in lunacy shall hold office during good behaviour, and may be removed therefrom by the Lord Chancellor.

11. Gives power to the Lord Chancellor to allow pensions to present visitors, if desirous of retiring, and to future visitors, if afflicted with permanent infirmity.

12. Provides for payment of pensions.

13. Declares that masters in lunacy shall not be members of the House of Commons.

14. The Accountant-General and all other persons, and the Governor and Company of the Bank of England, shall act upon all office copies of orders in lunacy purporting to be signed by the registrar in lunacy, and sealed with the seal of his office, in the same manner as such persons are by section one hundred and one of the said Act required to act upon office copies of reports confirmed by fiat.

Recent Decisions.

COMMON LAW.

MERCANTILE LAW AMENDMENT ACT, 1856, s. 5—PAYMENT BY SURETY OR CO-DEBTOR, EFFECT OF.

Batchellor v. *Lawrence*, 9 C. P., W. R. 373.

This case throws light upon the Mercantile Law Amendment Act, 1856 (19 & 20 Vict. c. 97); several of the provisions of which require some such assistance, both as respects their object and the mode in which they are to be worked. That one which is the subject of discussion in the present case is contained in the 5th section, which, in effect, enacts that every person who, being surety for the debt or duty of another, or being liable with another for any debt or duty, shall pay such debt or perform such duty, "shall be entitled to have assigned to him, or to a trustee for him, every judgment, specialty, or other security which shall be held by the creditor in respect of such debt or duty, whether such judgment, specialty, or other security shall be or shall not be deemed at law to have been satisfied by the payment of the debt or performance of the duty."

Now, the first thing we learn from the present case is the *object* of this provision; and this appears, from the judgment of Mr. Justice Williams, to have been to remedy the hardship with respect to assignments of judgments according to the previous doctrines upon that subject which prevailed in the courts of equity. It seems, for example, that where a surety paid off the bond after the death of the principal debtor, and took an assignment of the security,—he was considered as a simple contract creditor only of the estate of the principal debtor, because the action on the bond so assigned must be brought in the name of the obligee, and payment by the surety would be an answer to the demand. This was so laid down by the Master of the Rolls in the case of *Jones* v. *Davids* (4 Russ. 277), and it was to remedy this defect that the clause in question was enacted.

Another point which arises on the section is, how is the right it gives to be enforced? It says, indeed, that the surety or person jointly liable who pays the debt or performs the duty shall be *entitled* to an assignment of the judgment or other security held by the creditor, but no special means are indicated for enforcing that right. But it appears by this case that an *action* will lie for the refusal or neglect to assign after request; and—that remedy existing—it seems to follow that the creditor could not be compelled to assign by force of the prerogative writ of mandamus, which lies only where an action will not; or, at least, where no effectual relief can be afforded thereby (see 3 Step. Com. 4th ed., p. 698). Whether the mandamus *incidental to an action* created by the Common Law Procedure Act, 1854 (ss. 68—76), would be granted in a case like the present is a question of some nicety, as the judgments given in *Benson* v. *Paull* (6 Ell. & Bl. 373), and *Norris* v. *Irish Land Co.* (8 Ell. & Bl. 512), have left the law with regard to the scope of that writ in an unsettled and unsatisfactory condition. For in the case first named the Queen's Bench laid it down that the duty for the performance of which the writ was claimed must be such as might be enforced by the prerogative writ; but, in the other case, the same Court appears to have, to a certain extent, repudiated that proposition.

With regard to the precise question involved in the present case it may be shortly stated thus. The declaration charged that the plaintiff being jointly liable with A. B. to pay a certain sum to the defendants, and the defendants having recovered judgment for such sum against A. B. and the plaintiff, and having issued execution thereon, the plaintiff paid the whole sum recovered; whereupon he became entitled to an assignment of the judgment against himself and A. B., which the defendants refused to give him. To this the defendants pleaded, in effect, that by the payment made by the plaintiff while in execution under a *ca. sa.* the judgment against himself and A. B. had become satisfied; and the plaintiff, by demurring to this plea and succeeding on it, established that this fact, even if true, was no answer to the action—in other words, that the plaintiff was entitled to have the judgment assigned, even if it were perfectly useless to him—for that against the enforcement of his statutable right to that effect, it was no sufficient argument that with respect to the judgment so assigned he might have, in one sense, to sue himself as a joint defendant.

LIABILITY OF INNKEEPERS, LAW AS TO.

Morgan v. *Ravey*, Exch., 9 W. R. 376.

The law as to the peculiar responsibility of innkeepers as bailees of the goods of their guests while sojourning with them, is well known and easily justified. They are held answerable for such goods if they are lost, damaged, or stolen, except only where they are taken from the traveller's own person, or by his own servant or companion, or by his own gross negligence; and the reason is that travellers are, from the necessity of the case, compelled to come to inns, and place confidence in persons who keep them, with whom they may have had no previous dealing or acquaintance. The defence to the present case was an attempt to qualify this common law doctrine

by enabling the innkeeper by a notice to limit his responsibility, and to require his guests to use certain precautions themselves —as to fasten themselves into their bedrooms and to leave their more valuable property at the bar. This attempt was, however, unsuccessful. The Court was of opinion that, except in the cases above referred to, or in a loss arising from the act of God or the Queen's enemies, the innkeeper was liable, however he might seek to protect himself by a previous notice. The case of *Dawson* v. *Chamney* (5 Q. B. 168; 7 Jur. 1037) was, indeed, relied upon by the defendant as showing that, according to the opinion of the Queen's Bench, the question whether the negligence lay on the side of the innkeeper or the guest, was determinable in favour of the former if he could show to the satisfaction of a jury that he had taken all reasonable precautions for the security of the property entrusted to him. This case was commented on by the Court of Exchequer, and endeavoured to be distinguished in its circumstances from that before them. But it is evident that the barons were prepared, if necessary, to depart from the judgment delivered by Lord Denman, in so far as it might limit the responsibility of the innkeeper further than above mentioned.

Pleading, Rules as to—Embarrassing Plea, Effect of.

Welland Railway Co. v. *Blake*, Exch., 9 W. R. 386.

This is an important exposition of the existing rules of pleading so far as they tend to prohibit an embarrassing plea; or, rather, it shows the proper construction of the 52nd section of the Common Law Procedure Act, 1852, which allows a pleading so framed as "to prejudice, embarrass, or delay the fair trial of the action" to be struck out or amended on the application of the opposite party.

The declaration charged the defendant with non-payment of certain calls authorised by, and made under, certain Acts of Parliament set forth therein; and the only plea placed by the defendant on the record was "never indebted." It was urged on behalf of the plaintiffs that this plea was "embarrassing," by reason of its putting them to an amount of expensive proof which would be unnecessary if the plea were confined to the denial of one or more allegations of fact in the declaration; but the Court replied that the plea of "never indebted" was a lawful one in an action arising on a simple contract, and that they had therefore no power to interfere. The Court added that they were of opinion that so far as the pleading rules of 1834 were not superseded by one or more of the pleading rules of Hilary Term, 1853, the former set of rules still subsisted in force. It is difficult, however, to understand how their express repeal in the preamble of the existing rules, is consistent with his view.

Correspondence.

"LAW STUDENTS' DEBATING SOCIETY."

Whilst the subject of education of attorneys and solicitors is being discussed, allow me to divert your attention for a while to sec. 2 of rule 1 of the above society, which is in these words, "Ordinary members, subscribers to the library or lectures of the Incorporated Law Society, clerks articled to members of that society, and clerks who, having been articled, are in the service of members of that society, shall be eligible for election as members of this society." And in addressing myself to this subject I may remark, *en passant*, that I think it would be more satisfactory and advantageous to the profession that the question whether, at the time of issuing the embryo rules regulating our examination, present or future articled clerks should be bound to comply with, and be subject to them, should be settled with as little delay as possible, although I am quite willing to rest on my oars and abide the result of the combined deliberations of the Judges and the Incorporated Law Society; but after conning the subject "as worthy of cogitation," I cannot but think that only *future* students should be subject to *future* rules. And now as to the quoted rule of the Law Students' Debating Society I take exception to this rule on the ground that it imposes on an articled clerk the necessity of being a subscriber either to the library or lectures of the Incorporated Law Society, or being articled to, or in the service of, a member of that society. Why should I be compelled to pay for two articles when I only require one of them? And as to being a subscriber to the library or lectures, I do not object to the payment of the £1 a-year as being too much for either; but I would rather expend it in having a library of my own, as to that I can refer at all times. The advantages of attending lectures has been questioned; but before I venture to express myself on this, I wish to learn more, and probably you may be kind enough, as a friend, to open your columns to suggestions hereon, which may be not only beneficial to myself, but to others, if those competent to judge would be so kind as to impart to us their better knowledge. Why should my master be compelled to become a member against his inclination? He is well to do, and a highly respectable practitioner. Yet I would not so insult him as to ask such a favour, as, were he so disposed, he would require no mention of it. There is an old saying that "One volunteer is better than ten pressmen," and that infallible tutor "Experience" has taught us that is so. I presume not one of the members of the Debating Society would say theirs is so exclusive and select that those unfortunate ones of my situation are not select or respectable enough to be qualified to join them! Why, then, should we be treated so inconsiderately? One would imagine a society springing from the heart of our governing body, would have shown more liberality, and an anxiety rather to *extend* than *limit* their sphere of action among the rising generation of the profession. It is too exclusive and too arbitrary, as it should be open to every articled clerk, whether articled to a member of the Incorporated Law Society or not; and I hope the former may so relax their rules as to make *all articled clerks* eligible to be elected members, and all paying the same uniform rate of subscription, whether increased or as at present. John Locke says, "To prejudge other men's notions before we have looked into them, is not to show their darkness, but to put out our own eyes." On this guiding principle I would wish to act with the Law Students' Debating Society, and in return should anticipate similar treatment from them. Doubtless Mr. Marmaduke Matthews, their secretary, may be able to furnish some argument or reason against my objections, or if mine are incorrect, I am open to correction, and shall with pleasure await its perusal. I object to assist in supporting one thing for the advantages I may receive from another. I would rather pay twice the amount towards the support of the one from which I derived benefit. I shall support the Incorporated Law Society as representing the profession; but I shall not, although I wish to, support the Law Students' Debating Society if I am compelled to subject myself to the objections to which I have alluded. No one more than myself would wish to see our profession raise itself to the highest standard in public estimation; and towards the realization of such an object, "most devoutly to be wished," my constant aim and endeavours will be applied. I should, however, disregard and sacrifice my own feelings were I not to make my opinions known, and I should think and acknowledge him a friend who would point out and advise me how to mend my faults. If you can find a nook for these few remarks, you would gratify, and probably do a service to others as well as, your faithful servant,

A Limb of the Law.

EXAMINERS' OFFICE IN CHANCERY.

It is a very common complaint among practitioners in Chancery that the progress of a cause to a hearing is delayed by reason of no appointment being procurable at the examiners' office for, say, six weeks after application is made for the purpose. I have often been inconvenienced in the manner pointed out, and as it appears to me that a simple remedy is at hand, I ask permission, through the medium of your columns, to suggest that junior barristers of, say, five years' standing, be allowed to act as examiners on signifying to the senior registrar of the court their willingness to act, and handing in their names to be placed on a list to be kept at the registrar's office. Two obvious advantages would result from this. One, to the solicitors, in being able at all times to make their own arrangements with their witnesses for the examination to take place irrespective of any particular appointed day, as is now the case; and the other, to the barristers in being early brought into business communication with solicitors. The examiners' remuneration could be adjusted on a moderate scale by the Lord Chancellor, and I doubt not that plenty of young men would become candidates for the post of examiner especially as so little legal knowledge is required to fill it. The simple difficulty of providing accommodation for the examination to take place in, cannot, surely, be insuperable. I trust that you will advocate such a change as I have suggested.

W. B.

Ireland.

At the quarter sessions for the county of Tipperary, held at Clonmel on the 5th instant, Mr. Serjeant Howley, assistant-

barrister of the county, drew attention to the regulations made in pursuance of the Act passed in the session 23 & 24 Vict. c. 153, entituled "an Act to extend the law relating to the tenure and improvement of land in Ireland," which gives power (sec. 10) to the owners of land to make improvements thereon and (sec. 19) to charge the expenditure on such lands. The Act (sec. 25) also gives the owners of land power to grant building and other leases, under certain restrictions specified in the Act. The Act (sec. 36) also gives power to tenants to make improvements in the land occupied by them, and to charge the lands with the expenditure incurred thereby in manner in the Act expressed. He also alluded to an Act passed in the same session (cap. 154) entituled "an Act to consolidate and amend the law of landlord and tenant in Ireland," which enacts (amongst other things) that (sec. 8) leases may be renewed without surrender of under-tenancies; that (sec. 35) magistrates may issue precepts to restrain waste, that (sec. 4) actions for rent in arrear or (sec. 46) for use and occupation where the amount does not exceed £100, may be by Civil bill action in the court of the chairman of the county in which the lands are situate; and that (sec. 51) no distress shall be levied for more than one year's rent. For full particulars respecting the provisions of these important statutes, see *ante*, p. 9 and 30.

It has been stated that the sessional Crown solicitors have adopted a resolution to the effect that whenever vacancies occur in the office of assizes Crown solicitors, the Government should appoint the local Crown solicitors, with an increase of salary, to conduct the assizes business; and they state that this would effect a saving to the country of probably £1,200 per annum on each assize circuit.

THE SOLICITORS' BENEVOLENT ASSOCIATION.

The Sixth General Meeting of this Association was held on Wednesday, the 17th of April last, at the Law Institution, Chancery-lane, to receive the half-yearly report, and to transact other business. The following announcement had been previously circulated amongst the members:—"The directors, feeling the importance of commencing the relieving operations of the association as early as possible, desire to have the views of the general body as to the *minimum* amount of invested capital which shall be considered sufficient to justify them in entertaining applications for relief." Members who could not attend the meeting were invited to communicate their opinions.

Mr. JAMES ANDERTON having taken the chair, the half-yearly report was read by Mr. Eiffe, the secretary, from which it appeared that since the last half-yearly meeting, 140 new members had joined the association, making the aggregate number now enrolled 1,020, of whom 388 were members for life, and 632 were annual subscribers.

The subscriptions, donations, and dividends on invested capital within the same period, had amounted to £648 19*s.* 4*d.*, out of which a sum of £486 12*s.* 6*d.* had been added to the invested fund, making the entire invested capital at the present time £4,603 17*s.* 5*d.* £3 per cent. Consols; besides which, there was a cash balance of £198 8*s.* 6*d.* Since the last meeting, the expediency of selecting a more remunerative investment than Consols for the society's capital had been a subject of consideration with the board, who were pursuing inquiries to ascertain the most productive mode of investment compatible with safety. The directors stated that they had received applications for assistance during the past half-year, which they had found it painful to be unable to entertain, and requested an expression of the views of the meeting in the terms above mentioned. From the balance-sheet for the half-year it appeared that the working expenses amounted to £183 13*s.* 4*d.*

In moving that the report be adopted, the CHAIRMAN said, that although the directors in their report had expressed their satisfaction that the association had had an accession of 140 members since the last general meeting, he was not satisfied. He thought that looking at the numbers of the profession and the objects of that institution, they ought to have had a great many more (hear, hear), he regretted there was not more charity in the profession, especially when it had been said that charity covered a multitude of sins, he knew of no one who ought to be more ready to take advantage of that protection than the lawyers (hear, hear). The chairman proceeded to read a letter from Mr. Wasbrough of Bristol, stating that Mr. Heaven of Bristol, and himself, had been inviting several members of the profession in their neighbourhood to subscribe to the association, and as a result of their canvass he forwarded the names of eight annual and three life subscribers. Another letter was read from Mr. Morrell of Oxford, in which the writer stated he entirely concurred in the opinion that their capital ought to be largely increased before giving the assistance which it was the object of the society to give. Mr. Morrell added that feeling he had not been of much use hitherto as a director, he was willing to give £21 to assist the funds (hear, hear). The chairman observed that these letters were highly satisfactory. He recommended the directors to put their shoulders to the wheel during the next four months in order that when they came to meet at Worcester in the summer, they might be able to make a better report, and the society might then be in a situation to discuss the question of the distribution of its funds.

The motion was seconded by the deputy-chairman, Mr. Thomas Harrison, and carried; as was also a resolution expressing satisfaction at the progress of the society, which was moved by Mr. Stephen Williams, and seconded by Mr. C. Hall. A vote of thanks to Mr. Anderton, for his exertions in saving the association from expense by allowing them the free use of rooms at his chambers as offices, was moved by Mr. Benham, and seconded by Mr. Banner, and carried unanimously. A resolution of thanks to the directors was then put and carried, having been moved by Mr. Redpath, and seconded by Mr. Hart.

The question as to the investment of the capital of the association was then submitted to the meeting by Mr. C. A. Smith, who was followed by Mr. Torr, Mr. Stephen Williams, Mr. Banner, Mr. Henry Kimber, Mr. Redpath, and other speakers; but no resolution was moved, and the subject was postponed to a future occasion.

Mr. GIRAUD then moved the following resolution:—"That in the opinion of this meeting it is not expedient to commence granting relief until the funds of the society amount to £10,000." He observed that at present the expenses of the association exceeded 25 per cent. of their income.

Mr. STEPHEN WILLIAMS seconded the motion. He thought the institution would be incurring great expense if they began distributing alms whilst they were still in an infant state of existence.

Mr. TORR asked whether, in the event of the meeting being of opinion that the association should commence operations at once, if they were to put two or three annuitants on the list, and no personal applications were to be entertained, the chairman would still be willing to give them the advantage of having offices at his house as before?

The CHAIRMAN said he should be willing to continue to the association the use of his chambers until the business of the society became so large as to become a nuisance to him.

Mr. BANNER moved an amendment to the resolution. He said that in canvassing for the society, he was every day met with the objection—"You have been accumulating money now for two or three years, and you do nothing with it." If the association began giving relief, they would certainly get many more subscribers. That, at any rate, was the feeling at Birmingham, Hull, York, and elsewhere in the country. He contended that no increase of expenditure was to be anticipated, as all applications must be by letter, and would be answered by the secretary.

Mr. C. HALL seconded the amendment.

Mr. BENHAM opposed the amendment. He asked how the society could possibly do anything till it was supplied with funds? He thought an attempt should be made to raise a supply fund for expenses by donations and alms, so as to leave one fund free from any charge whatever.

The CHAIRMAN said that a circular had been sent round to all the members asking for their opinion on this matter. To this inquiry twenty-two replies were returned. Six were in favour of the view that there should be £10,000 invested before any distribution took place; five thought that sums from £5,000 to £8,000 should be first invested; five were against commencing relief in the present state of the funds; five wished to commence giving relief at once; and one was neutral.

Mr. YOUNG said his opinion was against the amendment. It was surely speculative how long they might possess their present income. Whatever assistance the Chairman might now be giving them, he might any day want to re-occupy his rooms. He did not think the society's donations fell short in consequence of their not yet giving any assistance.

Mr. HARRISON said he had given this subject much consideration. He thought that if this amendment were carried, the meeting would be sowing the seeds of an early dissolution of

the society. Several of the members, who had also been members of the old society which was confined to London and its neighbourhood, must remember that that was a successful and well-conducted institution; and they came to the conclusion that it would not be safe to distribute their funds until they had £10,000 invested. The present association, with its extended area, ought to be possessed of £40,000 or £50,000. The Chairman might some day find his convenience too seriously invaded by the occupation of his rooms. Their expenses already were some £120 or £130 out of an income of £200; and those expenses were increasing. To meet these they were dependent upon casual annual subscriptions.

Mr. Giraud condemned the expensive working of the association.

Mr. H. Kimber (one of the auditors) explained the grounds why the sum of £10,000 had been fixed upon.

Mr. Redpath thought it would be most unwise to grant relief in the shape of five or six annuities, and then to be compelled to stop. The practice of the Governesses Society was never to grant an annuity unless they were able to invest it. Something, he thought, might be done to curtail the expenses.

Mr. C. A. Smith observed that the objection to the society was, that they were only scraping money together. He thought it would be equally to the advantage of the poor and of the society to be doing something.

Mr. Mackrell deprecated the expensive working of the society. He thought something might be done at once towards applying part of the society's income to the wants of their necessitous brethren,

Mr. Sidney Smith, jun., supported Mr. Banner's amendment. He thought, however, the extent of the relief should be limited to the income of the invested capital, and should be confined to members and their families.

Mr. Mackenzie said that if the question were one of whether they should distribute or should not, he was in favour of the more liberal course being taken.

Mr. Cookson said he might, perhaps, be permitted to observe that the impression of the trustees was very strong that the relief of members should be the primary consideration, and that others should be assisted only out of their abundance. The association might be considered in the light of a mutual benefit society, whereby members might contribute to each other's relief, as they could not anticipate the reverses which might fall upon any one of themselves. He thought they would not be justified in extending relief to non-members, until a larger amount was contributed than they possessed at present.

The resolution was then put and negatived, and the following amendment was carried:—"That in the opinion of this meeting, the directors should commence granting relief immediately to members and their families; the extent of such relief not exceeding the income of the invested capital of the association."

The Chairman then moved that the thanks of the meeting be presented to the Incorporated Law Society for the use of their rooms free of expense. This was seconded by Mr. C. A. Smith, and carried; and with a vote of thanks to the Chairman, the proceedings terminated.

PROCEEDINGS OF THE FOURTEENTH ANNUAL GENERAL MEETING OF THE METROPOLITAN AND PROVINCIAL LAW ASSOCIATION, HELD AT THE INCORPORATED LAW SOCIETY'S HALL, ON WEDNESDAY, APRIL 17th, 1861.

Mr. Thomas Kennedy in the chair.

The Secretary read the report and annual balance-sheet.

Resolved—1. On the motion of the Chairman: That the report of the committee of management be adopted, and that it be printed and circulated in the usual way.

Resolved—2. On the motion of Mr. Smith, of Greenwich; seconded by Mr. Rose: That the cordial thanks of the association be presented to the committee of management for their labours during the past year.

Resolved—3. On the motion of Mr. T. H. Bower; seconded by Mr. Devonshire: That the following members of the association be elected chairman, deputy-chairmen, and committee of management for the ensuing year:—Chairman, Mr. J. S. Torr.—Deputy-Chairmen, Messrs. T. Avison, Liverpool; W. Shaen, M.A.—Metropolitan Solicitors, Messrs. J. Anderton, E. S. Bailey, Keith Barnes, J. Beaumont, William Bell, E. Benham, George Bower, T. Holme Bower, J. Bridges, James Burchell, E. F. Burton, Henry C. Chilton, J. M. Clabon, W. S. Cookson, F. N. Devey, Charles Druce, T. Dry E. W. Field, A. Hemsley, T. Kennedy, H. Lake, Edward Lawrance, C. H. Lovell, C. J. Palmer, W. H. Palmer, W. Shaen, M.A., J. S. Torr, John Young.—Provincial Solicitors, Messrs. T. F. Champney, Beverley; Arthur Ryland, Birmingham; J. Rawlings, ditto; W. Kennett, Brighton; H. Verrall, ditto; W. J. Williams, ditto; A. Cox, Bristol; J. Livett, ditto; H. S. Wasbrough, ditto; J. Greene, Bury St. Edmunds; T. Wilkinson, Canterbury; H. T. Sankey, ditto; John Nanson, Carlisle; T. Coombs, Dorchester; Herbert New, Evesham; R. T. Brockman, Folkestone; John Burrup, Gloucester; J. R. Rayner, Huddersfield; J. England, Hull; W. Henry Moss, ditto; J. Saxelbye, ditto; R. Wells, ditto; S. B. Jackaman, Ipswich; H. Sanders, Kidderminster; John Sharp, Lancaster; A. S. Field, Leamington; Robert Barr, Leeds; John Bulmer, ditto; J. H. Shaw, ditto; T. Avison, Liverpool; E. Banner, ditto; M. D. Lowndes, ditto; R. A. Payne, ditto; W. Radcliffe, do.; J. J. Ridley, do; Jas. O. Watson, do.; J. W. Danby, Lincoln; J. Case, Manchester; J. P. Aston, ditto; J. F. Beever, ditto; J. Crossley, ditto; S. Heelis, ditto; W. H. Partington, ditto; James Street, ditto; J. Sudlow, ditto; G. Thorley, ditto; John Clayton, Newcastle-upon-Tyne; W. Crighton, ditto; R. R. Dees, ditto; G. W. Hodge, ditto; T. Scriven, Northamption; Sir W. Foster, Bart., Norwich; Messrs. William Skipper, ditto; H. B. Campbell, Nottingham; R. Enfield, ditto; H. Hunt, ditto; W. Minchin, Portsea; E. Ball, Pershore; Joseph Pears, Ruthin; E. P. Kelsey, Salisbury; J. Broughall, Shrewsbury; T. Brown, Skipton; C. E. Deacon, Southampton; T. Burn, jun., Sunderland; E. J. Hayes, Wolverhampton; T. M. Whitehouse, ditto; C. Pidcock, Worcester; J. Stallard, ditto; E. J. Pechalay, Wakefield; W. Beaumont, Warrington; T. Waters, Winchester; John Lewis, Wrexham; Thomas Hodgson, York; George Leeman, ditto; G. H. Seymour, ditto.

Resolved—4. On the motion of Mr. Torr; seconded by Mr. Benham: That the best thanks of the association be presented to Mr. C. A. Smith and Mr. J. Morris for their services as auditors, and that they be requested to accept the same office for the ensuing year.

Resolved—5. On the motion of Mr. Rawlins, of Birmingham; seconded by Mr. Torr: That the best thanks of the association be presented to the Council of the Incorporated Law Society for their courtesy in lending one of their rooms for the purposes of the meeting.

Resolved—6. On the motion of Mr. Rose; seconded by Mr. T. H. Bower: That the best thanks of the meeting be presented to Mr. Kennedy, for his able conduct in the chair.

The meeting concluded with a vote of thanks to the Secretary, which was moved by the Chairman and seconded by Mr. Torr.

LAW STUDENTS' DEBATING SOCIETY.

We have received the last quarterly report of the Law Students' Debating Society. It is as follows:—

Gentlemen,—In reporting to you the proceedings of the society during the past quarter, I will pursue the course which has generally been taken, and notice the principal events that have occurred, and give a *résumé* of those matters which seem to me to call for remark during that period. There are some matters in connection with the support and progress of the society which I will venture to suggest, and to which I beg the consideration of members individually,—I mean their attendance at our meetings, and the avoidance of motions which take up much time without leading to beneficial results. We have held 12 meetings during the past quarter, at which 7 legal and 4 jurisprudential questions have been discussed. The average attendance of members has been 25 at each meeting, while that of the number of speakers has been more than 9, and those who have recorded their votes in the book kept for the purpose, and also at the conclusion of the debate very nearly 12. The time occupied by the proceedings shews an average of close upon 2 hours. A larger result might have been expected having regard to the interesting nature of the questions and to the fact that more than 20 new members have been elected since October; but it should be remembered that the debate on the legal question proposed for the first meeting was adjourned, so that these statistics may at least be considered as satisfactory. At the first meeting in January, on the announcement of Mr. Plaskitt's resignation as committeeman, a vote of thanks was passed for the very efficient manner in which he had discharged the duties of that office; and Mr. Dowse was subsequently elected to supply the vacancy. A resolution was also carried which virtually has the effect of

repealing part of rule 12, viz., that no member of this society, other than the opener of the debate, shall in future be permitted to speak on any question for a longer period than 20 minutes, the time allowed for speaking having been previously fixed at half an hour. In February a motion for calling on the debate on the legal question not later than eight o'clock, and a proposed amendment of rule 5, were negatived by the society. The following addition has been made to the rules, viz.—"That any member desirous of withdrawing from the society should signify his intention in writing to the secretary, who should thereupon enter such resignation in the books of the society." I am happy to say that 9 new members have been elected during the quarter, making a total of 23 during the half-year. However, unless cause be shown to the contrary, it will become necessary to strike off the list the names of 7 gentlemen for non-payment of fines and subscriptions; these have been written to on the subject. I have also to report that six gentlemen have resigned. The thanks of the society were recently voted to Mr. Edward Lawrance, jun., for his having presented it with his "Handy Book on the Law of Principal and Surety." and those who have looked through its pages will, I have no doubt, think it shows promise that Mr. Lawrance will one day be found among our most read and most readable legal authors. One of our members obtained a prize given by the Incorporated Law Society at the Hilary examination. Your committee have met twice, and carefully examined 12 questions, 6 of which, after lengthened discussion, were approved, and have appeared in the papers. They have also chosen those questions of a jurisprudential character which were considered most beneficial for the society to discuss, and in which the members would feel the greatest interest; but I must again urge most strongly upon all members the necessity of not neglecting the important essential of affording assistance to your committee in providing questions appropriate for discussion, as this difficulty was never more seriously felt than at the present time. It is also to be remembered that all members owe a duty to the society, which is to attend and take an active part in the debate as often as they possibly can; and although it may be extremely praiseworthy of gentlemen to devote a great portion of their time to the evening drills of their respective volunteer corps, yet the claims of this society are not the less important, affording as it does an arena for gentlemen to exercise their powers of thought, and by practice obtain command of language, at the same time providing a beneficial recreation to those whose thoughts are absorbed by private study, while it does not lead the mind away from those legal subjects that engross its attention. It is therefore to be hoped that the society will not so often find that members, and more particularly the old members, are engaged, or unable to attend on Tuesday evenings. It is also very desirable that gentlemen would make it convenient to stay to hear the president's summing up, as a pre-entertained opinion may sometimes be varied, and the judgment led to a more correct determination. The number of speakers would then, I venture to think, be very materially increased by insuring to every one an attentive hearing. Every well organized society must have some ruling and governing head whose duty it is to provide for its wants, and be always ready to give its best advice for the welfare of the society upon matters submitted to it. And I cannot help thinking that it would be better if gentlemen who bring on motions would previously endeavour to ascertain, by having discussed the merits of the motion with some friend, whether they will meet with the general approval of the society, or at least, be provided with a seconder; and not leave it entirely to chance, or to a sort of taken-for-granted love of litigious argument and discussion in a body of lawyers.

I beg to remain, gentlemen,
Your obedient servant,
GEO. L. WINGATE.

HINTS TO ARTICLED CLERKS.

No. III.

HIS COURSE OF PROFESSIONAL READING.

(*Continued from p.* 346.)

We now proceed, following up the plan sketched out at the commencement of these papers, to give some hints to the articled clerk as to the course of professional reading which he should pursue. There are two dissimilar mistakes into either of which a young man may fall, and either of which may be almost equally prejudicial. He may skim over the pages of a law book in much the same way as he would read a novel or a newspaper; or he may waste his time and energies and exhaust his patience by acting upon a resolute determination to leave behind him no subject which he has not thoroughly mastered. We know that the latter course has indeed often been recommended, but it has always seemed to us that if the student endeavours to act upon it, he must soon become disheartened. In the course of his reading he will meet with many propositions and illustrations which after the fullest consideration he can then give to them, will still appear misty and obscure. The author may have expressed himself unhappily, or his subject may be unusually crabbed and intricate. If our student resolves to halt in his course until he has completely cleared up his doubts, he will probably never advance a step further; and the wiser plan is, after devoting a reasonable amount of time and thought to the difficulty, and finding himself after all unable to solve it, to proceed, hoping in the words of Lord Coke, that "on some other day, at some other place, his doubts will be removed." Many of our readers must remember that in the course of their school or college life, difficulties have occurred to them in their classical or mathematical studies which seemed and actually were insuperable *at the time*, which they might have hammered at for hours without success, but which a few weeks or months afterwards seemed perfectly clear. And this subsequent enlightenment has arisen, not always from the fact of the acquisition of further knowledge, but from the mind coming fresh to the subject.

As to the particular time of the day which the clerk will take for his reading, or the number of hours which he will devote to it, no precise rules are pretended to be given. Much must depend upon opportunity, much upon duty, and in the case of a *diligent* student, something upon inclination. If the clerk is articled in an office where the practice is large, he will find that there must necessarily be considerable breaks in his course of reading; although we should advise him, except under very extraordinary circumstances, always to steal an hour each day for his books. Probably two, or at the most three, hours a day will be all that he will be able to devote to a regular course of study; and we can assure him that if he studies diligently for two hours out of the twenty-four, he will at the end of his clerkship, be in possession of a very large amount of legal information. He will not, indeed, be an accomplished lawyer, but he will have laid the foundation for becoming such. Those who advise the articled clerk to study for five or six hours a day can know but little of the material of which articled clerks are made, or of the calls upon their time arising from office work. When once the clerk has resolved upon reading, and has begun to read, any particular book, he ought not on any account to be diverted from it to another before he has finished the first. Desultory, incomplete reading is a bad habit in itself, but it is utterly fatal in the study of law; first, because a student who so reads, acquires a complete knowledge of no single subject, and secondly, because law, both in its study and in its practice, imperatively demands concentrated attention.

With these hints as to the *mode* of reading law, to which we must add the time-honoured maxim, *non multa sed multum*, as one always to be borne in mind by the law student, we proceed to suggest such a course of reading as seems to us best adapted for enabling the articled clerk not merely to pass his examination with credit, but to lay deep and wide the foundations of future knowledge, to be acquired after the termination of his clerkship. The law student's first book continues to be one of the modern editions of Blackstone's Commentaries, or the New Commentaries of Mr. Serjt. Stephen, built upon Mr. Justice Blackstone's celebrated work. The New Commentaries are written in an interesting style, and may be thoroughly depended upon as containing an accurate, although necessarily concise, statement of the whole body of modern English law. Mr. Kerr's edition of Blackstone is also a useful book; but the student may take Serjt. Stephen as his first teacher with the greatest confidence. Serjt. Stephen appears to us to have arranged his work more philosophically, and to be as graceful a writer as his great master; while Mr. Kerr presents his well packed volumes to the legal public at a price which when contrasted with that of other law books, including that of Serjt. Stephen's, is exceedingly moderate—a consideration not without weight to most articled clerks. Blackstone should be read in the first instance very carefully, but right through, and without paying more or less attention to one part of the work than to the other. The reader will thus acquire a general view of the subject upon which he is entering, and will possess an outline plan of English law which it will be the work of after years to fill up and render distinct and practical. In order, however, to make this his first perusal of a law book, as advantageous as possible, and

to impress upon his mind its most salient points, we should advise him to examine himself from time to time by the aid of Mr. James Stephen's Questions on the Commentaries, which, although compiled with special reference to the New Commentaries, may still be used by the reader of Kerr's Blackstone. By thus questioning himself as he proceeds, he will render his knowledge precise, sharp, and definite, will see how far his attention has been kept alive during his reading, and will learn how far he really understands the words over which his eye has passed.

After a general view of English law has thus been gained, the student will from his reading, and from the course of practice in the office, have learned that the subjects which mainly occupy the attorney's attention are:—1, Conveyancing (Rights of Things or Rights of Property); 2, Common Law; 3, Equity (Private Wrongs or Civil Injuries); 4, Criminal Law (Public Wrongs). Now, the attorney can hardly commence practice with satisfaction to himself or with a reasonable hope of doing justice to his clients, unless he has a knowledge of the principles and practice of each of these departments of our law. It is not, indeed, necessary that his knowledge of them should be extensive; but, so far as it goes, it should be precise, clear, and accurate. When he is once fairly launched in practice, it is most likely that he will find his attention pretty much confined to one or two of these departments; and when this is the case, the course of his *future* studies must be decided by his practice. But at the commencement of his career as a clerk, he cannot tell how his future course may shape itself; and he ought therefore, when he is first admitted, to possess such an amount of general knowledge as may enable him to acquit himself without discredit in any department in which his first essays may be made. The following suggestions as to books to be read are framed with a view to these considerations.

A knowledge of the law of property and conveyancing lies at the very foundation of all other legal studies; and we therefore advise the articled clerk to commence here by again reading the Second Book—"Of Rights of Property"—in the New Commentaries, or the analogous portion of Kerr's Blackstone, working it well into, and making it, as it were, a part of his mind. He read it before for the sake of getting a general view, but now he must leave no corner unexplored, and he should not finally lay it down, until he is satisfied that he could pass a very rigid examination in it. This should be followed by Mr. Joshua Williams' books on Real and Personal Property. They should be studied in the same way, and when they have been thoroughly mastered, the reader will find himself possessed of a very fair knowledge of property law, a foundation upon which hereafter, if occasion should arise, a very stately superstructure may be raised. Unless, however, the articled clerk should be quite sure that his practice as an attorney will be almost exclusively confined to conveyancing, we do not advise him to pursue his formal study of that subject any further during his clerkship. We say "formal study" because we do not by any means wish to deter our readers, but would rather urge them when any point of difficulty occurs in practice, which may not be solved by the help of the books we have mentioned, to hunt it down in any treatises to which they may have access. So also if they should be framing a draft with the help of Davidson or Jar. Byth., a perusal of the notes appended to their forms by those authors will often be of very great practical advantage.

The course of reading on common law may be commenced by again perusing so much of the New Commentaries as treats of Civil Injuries, or the analogous portion of Kerr's Blackstone, excluding so much as relates to Civil Injuries cognizable in courts of equity. This should be followed up by reading Mr. Prentice's edition of Smith's Action at Law, and Smith on Contracts. The articled clerk may, however, if he pleases, substitute for the works we have mentioned on the Action at Law and Contracts, Broom's Commentaries on the Common Law, which is the only book containing a complete synopsis of the principles and practice of our common law, digested and arranged for the use of students. Regarded as a scientific work it is perhaps defective, but we speak from experience when we say that it is readable and instructive. The only other work in the department of common law which we recommend to be read during clerkship is Best on Evidence, which is certainly a better student's book than even Mr. Taylor's, admirable as the latter work is and indeed indispensable to the practising lawyer.

Equity may be studied from that part of the New Commentaries which treats of Civil Injuries cognizable in courts of equity, from Smith's Manual of Equity Jurisprudence, —and from Ayckbourn's Chancery Practice. Mr. Smith's Manual is an admirable work, although it is so much condensed that the articled clerk will find that it requires the closest attention and repeated reading in order that its learning may be thoroughly impressed upon his mind.

Criminal law should be read from the New Commentaries, from Broom's Commentaries, and from Jervis' Archbold's Pleading and Evidence in Criminal Cases edited by Welsby. The last named book, invaluable as it is to the practitioner, is wretchedly dry reading; and we do not therefore advise the student to read it through, but to content himself by mastering the whole of Book I. and so much of Book II. as relates to the offences of most ordinary occurrence, particularly simple larceny, false pretences and embezzlement.

There are divers heads of law upon which we have not touched, such as Poor Law, Summary Convictions and Orders, Bankruptcy, Election Law, and Divorce. These subjects can hardly be read systematically during clerkship; but whereas business arises in the practice of the office, which is referable to any of these heads, the clerk will do well to refer to some book on the subject, and so pick up what information he can concerning them.

It will, no doubt, appear to all our readers that the course which we have suggested comprises very few books, and that many standard works are omitted from it. We have been desirous, however, not to suggest a complete course of legal study, but only a course to be pursued during clerkship. The clerk must not think that when he has once been admitted his reading is to cease. The young attorney ought, besides reading the reports, always to have some standard book in hand relating to that branch of the profession in which he may find himself most generally occupied. He will then be able to carry on and to complete, so far as education can be completed, that course of study which he in fact only commenced during his articles. It will, too, we hope, have been sufficiently apparent from what has been said before, that the books mentioned are not to be read hastily, but as if the student was preparing for a school or college examination in them. He should feel when he takes his leave of each volume that he is thoroughly well up in it, that he has exhausted its information, and that he can learn nothing more from it. In a word the books we have recommended are not merely to be read, but to be studied.

(*To be continued.*)

Admission of Attorneys.

Queen's Bench.

NOTICES OF ADMISSION.

[Candidates' names appear in Small Capitals, and Solicitors to whom articled or assigned in Roman type.]

In and on the Last Day of Easter Term, 1861.

Allen, George Charles Guy.—E. Clarke, 29, Bedford-row

Beer, Philip Henry.—Edward Strick, Swansea.

Price, John.—J. Strickland, Bristol; R. S. Gregson, Angel-court, city.

Stocken, William.—William Medland, Dunstable.

Wood, William John.—William Kinsey, 20, Bloomsbury-square, and 9, Bloomsbury-place.

Last Day of Easter Term, 1861.

Atkinson, John, jun.—E. B. Steel, Cockermouth.

Barnard, Joseph George.—G. E. Williams, Cheltenham.

Beswick, George.—J. W. Blakeley, 26, Nicholas-lane, Lombard-street.

Bond, John.—M. Myres, Preston.

Bradford, Job.—R. Gardner, Leamington; R. S. Gregson, 8, Angel-ct., Throgmorton-st.; J. B. Allen, 20, Bedford-row.

Brown, Charles Abraham.—J. H. Todd, Winchester.

Burnand, John Thomas Newman.—E. E. D. Grove, 8, Angel-terrace, Islington; J. G. Hick, 13, Copthall-court.

Collins, Henry.—P. S. Coxe, 19, Coleman-street.

Collins, John.—J. Atkinson, Whitehaven.

Dibb, Christopher Jenkins.—W. Stewart, Wakefield.

Dumbleton, Horatio, B.A.—J. T. Bolton, Solihull, Warwickshire.

Dunn, George Whitly.—L. P. Gibbon, Pembroke; E. F Burton, 25, Chancery-lane.

Edensor, John Edmonds.—G. Edmonds, 16, Whittall-street Birmingham.

Foster, James.—W. H. Hudson, Bradford, Yorkshire.

Garvey, Richard Edward.—J. T. Tweed, Lincoln; E Jones, 4, Millman-place, Bedford-row.

Gibson, Philip Robert.—H. Gibson, Ongar.
Goldrick, James.—J. Rowe, Liverpool.
Harrison, Alexander, jun.—H. Hawkes, Birmingham.
James, Evan.—W. Williams, Bala, Merioneth; J. Morris, Bala.
Kisch, Simon Abraham.—H. M. Daniel, 8, Lancaster-place, Strand.
Lane, Edward.—W. C. Rule, 26, Milk-street.
Little, David.—J. Taylor, Bradford, Yorkshire.
Mills, Alfred Thorncroft.—W. W. King, Brighton, and 25, College-hill, London.
Minster, Arthur.—R. H. Minster, Coventry.
Nicholls, Samuel Thomas.—W. P. Gordon, Oldbury, Salop.
Peacock, Thomas Francis.—J. Cutts, Chesterfield, and 10, South-square, Gray's-inn.
Pickering, George Edward.—G. Spink, Howden, Yorkshire; J. Woods, Howden, Yorkshire; R. M. Benson, Aylesbury.
Pidcock, Charles Foley.—C. Pidcock, Worcester; A. Mason, 15, Furnival's-inn.
Richardson, William George.—J. P. Bolding, 35, Fenchurch-street, and 17, Gracechurch-street; B. W. Simpson, 17, Gracechurch-street.
Rowlands, Richard.—J. D. Pugh, Mold, and Wrexham; R. B. Griffith, Bangor.
Scott, Edward.—E. Scott, Wigan.
Sharood, Charles James.—C. Sharood, Brighton.
Smith, Henry.—H. T. Smith, Devonport; T. Baker, jun., 3, Dowgate-hill-chambers.
Smith, William Binns.—R. Smith, Holborn; R. Smith, jun., 298, Holborn.
Vincent, Jacob, jun.—J. Layton, 8, Ely-place.
Watt, Francis James.—T. Scott, Bromsgrove; W. Gregory, 12, Clement's-inn.
Whalley, Henry Stanley.—J. E. Swift, Blackburn; J. Bolton, Blackburn.
Wyatt, George Harvey.—J. H. Hearn, Newport; J. A. Mew, Newport.

APPLICATION FOR RE-ADMISSION.

Last Day of Trinity Term, 1861.

Longbourne, John Vickerman, 8, Taviton-street, Gordon-sq.

APPLICATIONS TO TAKE OUT OR RENEW CERTIFICATES.

May 9, 1861.

Arundell, James Whitton, 265, Gresham House, Old Broad-street; Plaistow; and 10, Guildford-street, Russell-square.
Cooper, Robert, Norwich.
Corbett, John Fletcher, Walsall.
Daniell, Henry, Nayland, Suffolk.
Dixon, Thomas, West Parade, Newcastle-upon-Tyne.
Marshall, William, Salisbury.
Newby, Charles John, 10, Granville-square.
Toms, John Anstey, Tiverton.

Public Companies.

BILLS IN PARLIAMENT
For the Formation of New Lines of Railway in England and Wales.

The following Bills have passed through Committee in the House of Commons:—

Castleton and Grosmont.
Cleaton, Whitehaven and Egremont.

The preamble of the following Bill has been proved in Committee in the House of Commons:—

Liverpool, (London and North Western lines), Salford to Manchester.

University Intelligence.

CAMBRIDGE.

The Downing Professor of the Laws of England will give a course of lectures during the present term on the following subjects:—"An Introductory Lecture on the Study of the Law;" "The Judicial Institutions and Laws of the Anglo-Saxons;" "The Feudal System;" "The Origin of the Superior Courts of Law;" "The Legal Relations between the Church and the State during the first century after the Norman Conquest." The succeeding lectures will refer to subjects of examination for the degree of Bachelor of Law in December next—viz., "the Statute of Uses" and the "Law of Real Property." The first lecture will be given in the Law School on Saturday, the 20th of April, at 12 o'clock. Due notice will be given of the succeeding lectures, and of the day in October on which the examination for the professorial certificate with reference to this course will take place.

Court Papers.

Queen's Bench.

CROWN PAPER.—Easter Term, 1861.

Kent.	The Queen on the Prosecution of S. Finn *v.* the Lords, Bailiffs, and Jurats of Romney Marsh.
Tewkesbury.	The Queen on the Prosecution of the Churchwardens and Overseers of Tewkesbury, Respondent; The Severn Navigation Commissioners, Appellants.
Surrey.	The Queen on the Prosecution of E. V. Brander and Others, Respondent; E. Rendle, Appellant.
"	The Queen on the Prosecution of the parish of St. Mary, Lambeth, Respondent; The Governor, &c., of the Licensed Victuallers Society, Appellant.
Hampshire.	The Queen on the Prosecution of the Mayo &c., of Southampton, *v.* The Commissioners acting in execution of the Act 43 Geo. 3, c. 21, and 50 Geo. 3, c. 168.
Leeds.	The Queen *v.* The Leeds, Bradford, and Halifax Junction Railway Company.
Dover.	Tucker, Appellant; Rees, Respondent.
Cheshire.	The Queen *v.* Pickford.
Warwickshire.	The Queen *v.* The Guardians of the Cambridge Union, and the Inhabitants of the parish of St. Edward.
Chester.	The Queen *v.* The Inhabitants of the parish of Ruyton of the Eleven Towns, Shropshire.
Bedfordshire.	Davis, Appellant; Toller, Respondent.
Birmingham.	The Queen on the Prosecution of the Town Council of Birmingham, Respondent; The Birmingham Waterworks Company, Appellants.
Cheshire.	Tunstall, Appellant; Lloyd, Respondent.
Leeds.	The Queen *v.* The Inhabitants of Aughton.
"	Francies, Appellant; Smithies, Respondent.
Surrey.	Stephenson, Appellant; Taylor, Respondent.
Lancashire.	The Queen on the Prosecution of the Toxteth Park Local Board of Health, Respondent; The Guardians of the Poor of Toxteth Park, Appellants.
West Riding, Yorkshire.	The Queen on the Prosecution of the Overseers of Sheffield and Others, Respondent; The Sheffield United Gas Light Company, Appellants.
"	The Queen *v.* Firth.
Hampshire.	The Queen *v.* The Isle of Wight Ferry Company.
"	The Queen *v.* The Rev. Charles Shrubb, Clerk, and Another.
Cardiff.	Wadley, Appellant; Godwin, Respondent.
Kent.	The Queen on the Prosecution of the Churchwardens of Woolwich, Respondents; The Overseers of Toxteth Park, Lancashire, Appellants.
Metropolitan Police District.	Anderson, Appellant; Gutteridge, Respondent.
Cheshire.	Stretch, Appellant; White, Respondent.
Surrey.	Newton and Another, Appellants; Skeats, Respondent.
West Riding, Yorkshire.	Thewlis, Appellant; Kay, Respondent.
Yorkshire.	The Queen *v.* The Undertakers of the Navigation of the Rivers Aire and Calder.
Staffordshire.	The Queen on the Prosecution of the parish of Darlaston, Respondent; The South Staffordshire Waterworks Company, Appellants.
Great Yarmouth.	The Queen on the Prosecution of Francis Worship and Others, Respondents; Harrod, Appellant.

Sussex.	The Queen *v.* The Inhabitants of Brighton
Leeds.	The Queen on the Prosecution of the Overseers of Leeds, Respondent; The Overseers of Holbeck, Appellants.
Gloucestershire.	The Queen *v.* The Great Western Railway Company.
Middlesex.	The Queen *v.* Pott.
,,	The Queen *v.* Elrington and Another.
West Riding, Yorkshire.	The Queen *v.* The Inhabitants of Bramley.
Anglesea.	The Queen on the Prosecution of the Churchwardens, &c., of Llangeinwen, Respondent; The Rev. William Williams, Clerk, Appellant.
Yorkshire.	The Queen *v.* The Inhabitants of Lundale.
,,	The Queen on the Prosecution of the Churchwardens of Bridlington *v.* The Churchwarden of Specton.
Staffordshire.	The Queen *v.* The Inhabitants of Leominster, Herefordshire.
,,	The Queen *v.* the Inhabitants of West Bromwich.
Birmingham.	The Queen *v.* The Inhabitants of Birmingham.
East Riding, Yorkshire.	The Trustees of the Sunk Island Turnpike Road, Appellants; The Surveyor of the Highways of the parish of Ottringham, Respondents.
,,	The Trustees of the Sunk Island Turnpike Road, Appellants; The Surveyors of the Highways of the parish of Patrington, Respondent.
West Riding, Yorkshire.	Glover, Appellant; Booth, Respondent.
Oxfordshire.	Horwood, Appellant; Powell, Respondent.
Lancashire.	Taylor, Appellant; Carr and Another, Respondents.
Warwickshire.	The Queen on the Prosecution of the Churchwardens, &c., of Burmington, Respondent; Wheeler, Appellant.
Durham.	Robinson, Appellant; Humble, Respondent.
Newcastle-on-Tyne.	The Queen *v.* The Burial Board for the parishes of St. John Westgate and Elswich.
Manchester.	Onley, Appellant; Gee, Respondent.
Staffordshire.	Cureton, Plaintiff in error, *v.* The Queen, Defendant in error.
Metropolitan Police District.	The Vestry of St. Luke's, Appellants; Lewis, Respondent.
Middlesex.	The Queen *v.* The Vestry of the parish of St. Luke, Chelsea.
Lancashire.	The Queen *v.* The Churchwardens and Overseers of the parish of St. Mary Arches, Exeter.
Devon.	Leatt, Appellant; Vine, Respondent.

ENLARGED RULES.—EASTER TERM, 1861.

To the first day of Term.

Betts *v.* Menzies (enlarged till after the decision of the House of Lords.)
Neill *v.* Leatham (to come on for argument with Special Case.
The Queen *v.* The Overseers of the parish of Walcot.
The Queen *v.* The Overseers of the parish of Walcot St. Swithin.

SPECIAL PAPER.

FOR ARGUMENT.

Demurrers.	Shrubb *v.* Eyre (to come on for argument with the Special Case.)
,,	Scott and Others *v.* Pilkington and Others.
,,	Munroe and Others *v.* Pilkington and Another.
,,	Aubert *v.* Gray.
Special Case.	Cazenove and Another, Assignees, &c. *v.* Lister, P. O., &c.
,,	The Great Indian Peninsular Railway Company *v.* Saunders.
Demurrer.	Holmes *v.* Pemberton.
,,	Langley *v.* Ponsford.
Co. Ct. Appeal.	Cox *v.* Allen.
,,	Cope *v.* Norton.
Demurrers.	Shadforth *v.* Cory and Others.
Special Case.	Prior and Another *v.* Laming.
Demurrer.	Gorton *v.* Hall.
Co. Ct. Appeal.	Smith, Wo. and Others, Executors, &c. *v.* Badger.
Demurrer.	Langdon *v.* Heath.
Award.	Garton and Another *v.* The Bristol and Exeter Railway Company.
Demurrer.	Seaward and Others *v.* Rolt.
,,	Harris and Wife *v.* Conner and Wife.
,,	Lee and Another *v.* The Anglo French Steam Ship Company (Limited.)
,,	Wood and Another *v.* White.
,,	Smeed *v.* Bunn.
Special Case.	Greenhalgh and Another *v.* Clayton.
Demurrer.	Bellingham, Administrator, and Another *v.* Clarke.
,,	The South Eastern Railway Company *v.* The London, Chatham, and Dover Railway Company.
Sp. Case on Award.	Drake *v.* The Amicable Society for a Perpetual Assurance Company.
,,	Neill *v.* Leatham, Administratrix.
Demurrer.	Wright *v.* Kitchen.
,,	Davis *v.* Harward.
,,	Thornhill and Another *v.* The London, Brighton, and South Coast Railway Company.
,,	Davenport and Another *v.* Rickard and Another.
Co. Ct. Appeal.	Winder *v.* The Manchester, Sheffield, and Lincolnshire Railway Company.
Special Case.	Candlish and Another *v.* Simpson and Another.
Demurrer.	Bond *v.* Rosling.
Co. Ct. Appeal.	Donnor *v.* Saul and Another.
Special Case.	Young and Another *v.* Turner.
,,	Poulton *v.* Readinge.
Demurrer.	Day *v.* Hemings.
,,	Mason *v.* The Glamorganshire Canal Company.
,,	Bartley *v.* Hodges.
,,	Matthews and Another *v.* Edmands.
,,	Matthews and Another *v.* Bloxsome.
Special Case.	Turner *v.* Lane.
Demurrer.	Tweddle *v.* Atkinson, Executor, &c.
,,	Honblen *v.* The Epping Railway Company.

NEW TRIAL PAPER.—MICHAELMAS TERM, 1858.

FOR ARGUMENT.

Cornwall.	Lyle *v.* Richards and Others.

EASTER TERM, 1860.

Tried during Term.

Middlesex.	Payne *v.* Revans.
,,	Romillio *v.* Halahan.
,,	Lloyd *v.* Shaw.
,,	Stevens *v.* Taylor.
London.	Cook and Others *v.* Wright.

TRINITY TERM, 1860.

Middlesex.	Dixon and Wife *v.* Bush.
,,	St. Albyn and Wife *v.* The London General Omnibus Company (Limited.)
,,	Wood *v.* Smith.
London.	Mitchell *v.* Hall.

MICHAELMAS TERM, 1860.

Middlesex.	Saward *v.* Walleden.
,,	Mackley *v.* Pattenden.
London.	Lane and Others *v.* Tindal.
,,	Paterson *v.* Harris.
,,	Tamvaco *v.* Lucas.
,,	Somes and Others *v.* Ford and Another.
,,	Lowrie *v.* Parker.
,,	Lane *v.* Seymour.
,,	Pow *v.* Davis.
Surrey.	Moody *v.* The London, Brighton, and South Coast Railway Company, and Others.
York.	The Queen *v.* Bayes (p. h.)
Liverpool.	Mayer *v.* Spence and Another.
,,	Mayer *v.* Firth and Others.
Hants.	Pennell and Others *v.* Logan.
Wilts.	Scammell *v.* Glass.

Tried during Term.

Middlesex.	Benchimol *v.* Gallagher.
London.	Wood and Ux *v.* Bosanquet, Treasurer, &c.

HILARY TERM, 1861.

Middlesex.	The Queen *v.* The Board of Works of Strand Union.
"	Lee *v.* Griffin, Executor, &c.
"	Prideaux *v.* Darby.
"	Boutle *v.* Richards.
London.	Clarke and Others *v.* Smallfield and Others.
"	Blenkiron *v.* The Great Central Gas Consumers Co. (stands over)
"	Masters *v.* Barnes.
"	Arber *v.* Carrington.
Liverpool.	Cusack and Others *v.* Robinson.
"	Firth and Another *v.* Brooks.
"	Robertson *v.* Aspinwall.

Tried during Term.

Middlesex.	Sichel *v.* Ninet.
"	Colburn *v.* Jones and Another.
London.	Homewood *v.* Chaplin.
"	Bradwell *v.* Guerin and Others.

Exchequer of Pleas.

SITTINGS IN BANCO.—EASTER TERM, 1861.

Monday,	April 22...Special Paper.
Wednesday,	" 24...Special Paper.
Saturday,	" 27...Criminal Appeals.
Monday,	" 29...Special Paper.
Wednesday,	May 1...Special Paper.

ERRORS AND APPEALS.

FOR JUDGMENT.

Appeal.	Watts *v.* Shuttleworth.

FOR ARGUMENT.

Error on Bill of Exceptions.	The Mersey Docks and Harbour Board *v.* Penhallow and Others, part heard.
Error.	Barrow *v.* Tootal. To stand over till Sitting after Trinity Term next.
Appeal.	Trew and Another, Executrix and Executor, &c. *v.* The Railway Passengers' Assurance Co.
Error.	Swinfen *v.* Bacon.
"	Swinfen *v.* Lewis.
Appeal.	Castle *v.* Sworder.
"	Johnson *v.* Simcock and Another.
"	Greenwood *v.* Seymour, Administratrix, &c

SPECIAL PAPER.

Cases heard and standing over.

Demurrer.	Tregelles *v.* Sewell. To stand over till afte issues in fact tried.
"	Oxenham *v.* Smythe. To stand over till after the Argument of the Rule in the New Trial Paper.

FOR ARGUMENT.

Demurrer.	Brewer *v.* Dimmack and Another, part heard. Standing over for arrangement.
"	The London and North Western Railway Co. *v.* The Great Western Railway Co. Standing over for arrangement.
"	The Anglo-Californian Gold Mining Co. *v.* Lewis. Ordered to stand over.
"	Fresart *v.* Lawrence, sued with others. To stand over till issues in fact tried.
"	Rogers *v.* Hadley, part heard. Rule for New Trial to come on with Demurrer.
Special Case.	Waller and Another *v.* The Mayor, &c. of Manchester.
Appeal under the 20 & 21 Vict.	Shiel, Appellant *v.* The Mayor, &c. of Sunderland, Respondents.
"	Shiel, Appellant *v.* The Mayor, &c. of Sunderland, Respondents.

NEW TRIAL PAPER.

FOR JUDGMENT.

Chester.	Plant and Another *v.* Taylor and Others.
"	Plant and Another *v.* Taylor and Others.
Liverpool.	Bradley *v.* Dunipace.

FOR ARGUMENT.

Guildford.	Oxenham *v.* Smythe.
Gloucester.	Rogers *v.* Hadley.
Middlesex.	Atkinson *v.* Denby.
"	The British Land Co. (Limited) *v.* Jupp.
Middlesex.	Smith and Others *v.* Rudhall.
"	Giddings *v.* Wood.
London.	May *v.* Smith.
"	Durrell *v.* Evans and Others.
"	Hoskins *v.* Smurthwaite.
"	Williams *v.* The Great Northern Railway Co.
"	Undell *v.* Atherton and Another.
Liverpool.	Colquhoun and Another *v.* Bowen.
Middlesex.	Aston *v.* Preston.
"	Winkworth *v.* Adamson and Others.

Court of Probate.

AND

Court for Divorce and Matrimonial Causes.

EASTER TERM, 1861.

Sittings at Westminster at eleven o'clock.

No causes for dissolution of marriage, without juries, will be taken after No. 39 on the list.

FULL COURT.

April 22, 23, 25, 26, and 27.

Probate causes *with* juries, and causes for judicial separation and dissolution, *with common juries*, April 29, 30, May 2, 3, 4, 6, 7, 9, 10, 11, 12, and 14.

On every Wednesday during the sittings of the Court, the judge will sit in chambers to hear summonses at eleven o'clock, and in court to hear motions at twelve o'clock.

Papers for motions to be left with the clerk of the papers before two o'clock on Fridays.

Births and Deaths.

BIRTHS.

CROSSFIELD—On April 15, the wife of A. Crossfield, Esq. Solicitor, of a son.

D'OYLY—On April 12, the wife of the Rev. C. J. D'Oyly, Chaplain of Lincoln's-inn, of a son.

FORD—On April 12, the wife of William Ford, Esq., 4, South-square, Gray's-inn, of a son.

HALL—On April 12, the wife of William Champain Hall, Esq., of Lincoln's-inn-fields, Solicitor, of a daughter.

DEATHS.

CLARKE—On March 17, at Haynes-hill, Barbadoes, West Indies, Mary Ogle, aged 16, daughter of the Hon. Sir R. Bowcher Clarke, C.B., Chief Justice of Barbadoes and the Windward Islands.

COBBOLD—On April 15, in her 23rd year, Louisa Anne, the wife of Henry Chevallier Cobbold, Esq.

COLLIS—On April 17, Joseph Collis, Esq., late Senior Registrar of the High Court of Chancery.

ELDERTON—On April 13, George, son of Edward M. Elderton, Esq., of the Temple, in the 18th year of his age.

JERVIS—On Feb. 15, at Hawthorne, Melbourne, Victoria, Janet Martin, aged 29, wife of John Chester Jervis, Esq., and daughter of Thomas Young, Esq., Solicitor, Hobart-town, Tasmania.

MOSS—On April 12, at Hull, the infant daughter of W. H. Moss, Esq., Solicitor, aged 2 days.

NICHOLSON—On April 11, George James Nicholson, Esq., 5, Raymond-buildings, Gray's-inn, aged 73.

STEPHEN—BEDFORD—On Feb. 7, at Sydney, New South Wales, Eleanor Elizabeth, daughthr of Sir Alfred Stephen, Chief Justice, aged 21; and, shortly afterwards, on the same day, Eleanor Martha Bedford, mother of Lady Stephen.

WILLES—On April 11, Anne, daughter of the late Edward Willes, Esq., Barrister-at-Law, and granddaughter of Judge Willes, aged 68.

YOUNG—On Jan. 31, at his station, Darling Downs, Queensland, Mr. Robert Young, aged 35, son of Thomas Young, Esq., Solicitor, Hobart-town, Tasmania.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

PARSONS, JOHN, Esq., Albany, and SHARON TURNER, Esq., Red Lion-street, £129 6*s.* 1*d.* New Three per Cents.—Claimed by ALFRED TURNER, surviving executor of John Higford, formerly John Parsons, who was the survivor.

London Gazettes.

Winding-up of Joint Stock Companies.

FRIDAY, April 12, 1861.

UNLIMITED IN CHANCERY.

AGRICULTURIST CATTLE INSURANCE COMPANY.—Petition to wind up, presented 11th April, will be heard before the Master of the Rolls, on April 20. Miller & Horn, Solicitors for Petitioners, 7, St. Martin's-place, Trafalgar-square, London.

CAMERON'S COALBROOK STEAM COAL AND SWANSEA AND LOUGHOR RAILWAY COMPANY.—The Master of the Rolls purposes, on April 22, at 12, to proceed to make a call in order to provide a fund for payment of the debts proved and admitted to be due from the Company, upon all the contributories of the said Company settled upon the list, and that such call shall be for £5 per share.

CAMERON'S COALBROOK STEAM COAL AND SWANSEA AND LOUGHOR RAILWAY COMPANY.—The Master of the Rolls purposes, on April 22, at 12, to proceed to make a call, in order to provide a fund to meet the costs, charges, and expenses, incurred by the Official Manager, upon contributories of the Company upon the list, settled since June 3, 1854, for £3 4s. per share.

KENT BENEFIT BUILDING SOCIETY, also called THE KENT FREEHOLD LAND SOCIETY.—Vice-Chancellor Kindersley will, on April 24, at 12, proceed to make a call on all persons settled on the list of contributories for £7 per share.

RISCA COAL AND IRON COMPANY.—Creditors to prove their debts before the Master of the Rolls on or before May 3.

LIMITED IN BANKRUPTCY.

EUROPEAN WINE GROWERS ASSOCIATION (LIMITED).—Petition for winding up, presented April 4, will be heard at Basinghall-street, on April 20, at 11.30. Chidley, Solicitor for the Petitioner, 25, Old Jewry, London.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, April 12, 1861.

HUCKVALE, JAMES, Gent., London-place, St. Clement's, Oxford. Tilsley & Wilkins, Solicitors, Chipping Norton. May 1.

MOREL, THOMAS ANNET LEWIS, Wine Merchant and Italian Warehouseman, 210 and 211, Piccadilly, and 20, Ladbroke-villas, Bayswater, Middlesex. Surman, Solicitor, 11, New-square, Lincoln's-inn. May 20.

PICKERNELL, HORATIO, Ship Broker, 37, Cannon-place, Brighton, and 38, Fenchurch-street, London. Thomas & Hollams, Solicitors, Mincing-lane, London, E.C. June 1.

RICE, DAVID, Surgeon and Apothecary, Stratford-upon-Avon, Warwickshire. Hobbs, Solicitor, Stratford-upon-Avon. June 24.

ROBINS, THOMAS CONWAY, Gent., Wells, Somersetshire. Hobbs & Alder, Solicitors, Wells. June 24.

SMITH, JOSEPH, Publican, Penkridge, Staffordshire. Heane, Solicitor, Newport, Salop. May 25.

TUESDAY, April 16, 1861.

BALLS, MARY ANN, Widow, Wortham, Suffolk. Browne, Solicitor, Diss, Norfolk. May 31.

BULLOCK, JONATHAN, Esq., Fanlkbourne Hall, Essex, and Bryanstone-square, Middlesex. Stevens & Beaumont, Solicitors, Witham, Essex. Sept. 29.

EVERSHED, WILLIAM, Sen., Gent., Arundel, Sussex. Auckland & Hillman, Solicitors, Cliffe, near Lewes, Sussex. June 12.

JEFFERY, STEPHEN, Tea Dealer and Grocer, late of Bloomfield-road, Plumstead, Kent, but formerly of 127, Crescent-road, Plumstead, Kent. Patrick & Underwood, Solicitors, 89, Chancery-lane, London. June 13.

JOHNSON, MARY, Widow, Holy Trinity Church-yard, Guildford, Surrey. Capron, Solicitor, Guildford. May 15.

KING, JAMES, Farmer, Donnington, Herefordshire. Piper, Solicitor, Ledbury, Herefordshire. June 1.

LAKKING, SIDNEY, Coach Builder, formerly of 28, Wellington-street, Southwark, Surrey, and 17, Lambeth-road, Surrey, but late of Four Elms, Hever, Kent. Cowburn, Solicitor, 10, Lincoln's-inn-fields, London, W.C. May 31.

MANDEVILLE, JOHN HENRY, Esq., heretofore Her Majesty's Minister Plenipotentiary to the Argentine Confederation, afterwards of Chapel-street, Grosvenor-square, and late of Rutland-gate, Hyde-park, Middlesex. Thomas Staveley, Esq., Southborough, near Tonbridge Wells, Kent; the Rev. James Hutchinson, Rector of Great Berkhamstead, Herts, and Henry Bingley Clark, Esq., Merrow, Surrey, Executors. June 15.

PEACE, JAMES DENNISON, Master Mariner, late of Russell-street, Bermondsey, Surrey, formerly of 52, Ernest-street, Bermondsey, and theretofore of Eday Orkneys, North Britain. Scarborough & Alderson, Solicitors, 5, Bloomsbury-square, London, W.C. May 18.

PHILLIPS, JOHN, Gent., Lincoln. Moore, Solicitor, Lincoln. May 13.

WALSH, FREDERICK, Book Keeper, Calcutta. Christian & Cropper, Solicitors, 5, Harrington-street, Liverpool. May 31.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, April 12, 1861.

EATON, JAMES, Farmer, Leacroft, Cannock, Staffordshire. Duignan *v.* Allen, V. C. Stuart. May 10.

PINE, THOMAS, Gent., Maidstone, Kent. Pine *v.* Ellis, M. R. May 6.

WHEATCROFT, HENRY, Gent., 5, Brewer's-green, Westminster, Middlesex. Woodroffe *v.* Barry, V. C. Kindersley. May 10.

ZELLER, JOHN VAN, Merchant, Liverpool. Van Zeller *v.* Van Zeller, M. R. May 23.

TUESDAY, April 16, 1861.

DAWES, MATTHEW, Attorney and Solicitor, Bolton, Lancaster. Dryden *v.* Dawes, V. C. Stuart. May 23.

FELLOWS, SIR CHARLES, Knight, 4, Montague-place, Russell-square, Middlesex. Ianson *v.* Fellows, M.R. May 21.

GASS, DAVID, Gent., Surbiton, Surrey. Harden *v.* Gass, M.R. May 21.

GRAHAM, ROBERT HAY, Esq., M.D., Eden Brows, Cumberland. Graham *v.* Graham, V. C. Stuart. May 3.

HALL, ROBERT, Common Brewer and Maltster, Ansty, Hilton, Dorsetshire. Woodhouse *v.* Hall, V. C. Stuart. May 22.

MANSELL, WILLIAM HENRY, Carrier, White Horse-yard, Friday-street, London. Mansell *v.* Bethell, V. C. Stuart. May 21.

NOBLE, GEORGE, Brewer and Porter Merchant, Seaham Harbour, Durham. Meux *v.* Vaux, V. C. Wood. May 10.

TURTON, WILLIAM, Merchant and File Manufacturer, Brixton, Surrey. Turton *v.* Mappin, V. C. Wood. May 10.

Assignments for Benefit of Creditors.

FRIDAY, April 12, 1861.

ATHERTON, JAMES, Publican, Salford, Lancaster. March 25. *Sol.*, Henwood, 32, Cross-street, Manchester.

BEERSFORD, JAMES, Licensed Victualler, Macclesfield. March 13. *Sol.*, Norris, Macclesfield.

COLLINS, JAMES, Tailor and Draper, 101, City-road, Middlesex. March 22. *Sol.* Mardon, 99, Newgate-street, London.

DYSON, WILLIAM, Haberdasher and Berlin Wool Dealer, 87, Castle-street, Bristol. March 19. *Sol.* Reed, 3, Gresham-street, London.

FIELD, SAMUEL, Baker, Banbury, Oxfordshire. April 6. *Sol.* Looker, Banbury.

FRANCE, JOHN, Carpet Manufacturer, Dewsbury, Yorkshire. March 21. *Sol.* Watts, Dewsbury.

GOLDING, FRANCES, Milliner and Dress Maker, Bury St. Edmund's, Suffolk. March 20. *Sol.* Salmon, Bury St. Edmunds.

GRAY, HENRY GEORGE, Merchant, Fenchurch-street, London. March 13. *Sols.* Lawrence, Smith, & Fawdon, 12, Bread-street, Cheapside.

SCHLESINGER, MORRIS, Tobacconist, Plymouth, Devonshire. April 9. *Sol.* Gard, Devonport.

SMITH, WILLIAM DEATON, Cabinet Maker and Upholsterer, Stockton, Durham. April 5. *Sol.* Thompson, Stockton.

TURNER, EDWARD, Joiner and Builder, Great Freeman-street, Nottingham. March 14. *Sols.* Cowley & Everall, St. Peter's Church-walk, Nottingham.

WOODWARD, JOHN, Silk Manufacturer, Derby. March 20. *Sol.* Shaw, 36, Full-street, Derby.

WYATT, WILLIAM, Saddler and Harness Maker, Stratford-upon-Avon, Warwickshire. April 6. *Sol.* Hobbes, Stratford-upon-Avon.

TUESDAY, April 16, 1861.

BEASANT, THOMAS, Coachmaker, Hungerford, Berks. April 11. *Sol.* Astley, Hungerford.

CLARK, WILLIAM, Grocer, Horsham, Sussex. April 1. *Sols.* Lawrance, Plews, & Boyer, 14, Old Jewry Chambers.

ELLIS, HENRY, Tailor and Draper, Folkestone, Kent. April 5. Mason, Sturt, & Mason, 7, Gresham-street, London.

LISTER, SARAH, Grocer, Millbridge, Birstal, Yorkshire. April 1. *Sol.* Scholefield & Oldroyd, Dewsbury.

MCBETH, ALEXANDER, Publican, Newport, Monmouthshire. March 28. *Sol.* Matthews, Church-street, Cardiff.

MCINTOSH, MARGARET, Widow, 50, Torrington-square, St. Pancras, Middlesex. March 30. *Sol.* Chester, 1, Winchester-buildings, Great Winchester-street, London.

TRIGGER, WILLIAM, Grocer and Draper, Westham, Sussex. March 22. *Sol.* Sturt, 7, Gresham-street.

WHEELER, JOSEPH, Grocer, Great Yarmouth. April 5. *Sol.* Palmer, Great Yarmouth.

WILDEN, DAVID, Coal Merchant and Carrier, Cranbrook, Kent. April 10. *Sol.* Williams, Cranbrook.

Bankrupts.

FRIDAY, April 12, 1861.

AUSTIN, HENRY, Manufacturing Chemist, Druggist, and Drysalter, 125 and 126, Bermondsey-street, Bermondsey, Surrey. *Com.* Evans: April 25, at 1.30; and May 23, at 11; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Waller, Coleman street. *Pet.* April 9.

BARRATT, GEORGE FREDERICK, Ironfounder and Smith, 22, Baker's-row, and 15, Guildford-place, Bagnigge-wells-road, Clerkenwell, Middlesex. *Com.* Goulburn: April 22, at 2.30; and May 27, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Southee, 16, Ely-place, London. *Pet.* April 9.

CALVERLEY, JOHN, Builder, 34, Portsdown-road, Maida-vale, Middlesex. *Com.* Fane: April 25, and May 24, at 1; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Boulton & Sons, 21a, Northampton-square, Clerkenwell. *Pet.* April 9.

JACKSON, JOSEPH, Hatter, 23, Western-road, Brighton, Sussex. *Com.* Holroyd: April 23, at 2.30; and May 21, at 1; Basinghall-street. *Off. Ass.* Edwards. *Sol.* Treherne, 17, Gresham-street, London. *Pet.* Dec. 4.

KING, JOHN, Hatter and Clothier, 3, Shepard's-terrace, West India Dock-road, Limehouse, Middlesex. *Com.* Evans: April 26, at 1; and May 23, at 2; Basinghall-street. *Off. Ass.* Bell. *Sol.* Solomons, Finsbury-place. *Pet.* April 5.

KNIGHTON, JOHN, Licensed Victualler, Nottingham. *Com.* Sanders: April 25, and May 16, at 11.30; Nottingham. *Off. Ass.* Harris. *Sol.* Coope, Nottingham. *Pet.* April 9.

LAKE, JOHN, Builder, 4, Hawthorn-grove, Penge, Surrey. *Com.* Fane: April 25, at 12.30; and May 24, at 11; Basinghall-street. *Off. Ass.* Cannan. *Sols.* Howard, Haise, & Trustram, 66, Paternoster-row. *Pet.* April 9.

NORRIS, HENRY, & WILLIAM NORRIS, Jun., Builders, Mare-street, Hackney, Middlesex (Norris, Brothers). *Com.* Fonblanque; April 24, at 2; and May 22, at 12.30; Basinghall-street. *Off. Ass.* Stansfeld. *Sol.* Chidley, 25, Old Jewry, London. *Pet.* April 9.

PEZZALI, DEMETRIUS STEPHEN, & GEORGE STEPHEN PEZZALI, Merchants, 93, Great Tower-street, London (S. Pezzali, Sons, & Co). *Com.* Goulburn: April 24, at 2; and May 27, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Marten, Thomas, & Hollams, Mincing-lane, London. *Pet.* April 10.

ROBERTS, PHILEMON, Grocer and Corn Dealer, Darlaston, Staffordshire. *Com.* Sanders: April 26, and May 17, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Smith, Birmingham; or Sheldon, Wednesbury. *Pet.* April 9.

ROBINSON, JOHN, Plumber, Painter, & Glazier, Liverpool. *Com.* Perry: April 24, and May 13, at 11; Liverpool. *Off. Ass.* Morgan. *Sols.* Dodge & Wynne, 7, Union-court, Castle-street, Liverpool. *Pet.* April 9.

WEBB, SAMUEL, Builder, Sudbury, Suffolk. *Com.* Goulburn; April 22,

and May 27, at 2; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Chilton, Burton, & Co., 25, Chancery-lane, London; or Gooday, Sudbury, Suffolk. *Pet.* April 9.

WEBB, WILLIAM JAMES, Mat and Rug Manufacturer, King Henry's-walk, Ball's Pond-road. *Com.* Evans: April 25, and May 23, at 1; Basinghall-street. *Off. Ass.* Bell. *Sol.* Treherne, 17, Gresham-street. *Pet.* April 10.

WESTON, JOHN, Tailor and Draper, Leek, Staffordshire. *Com.* Sanders: April 24, and May 13, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Suckling, Birmingham; or Reece, Birmingham. *Pet.* April 8.

WILLIAMS, ALFRED EDWARD, Cooper, Stainsby-road, Limehouse, Middlesex. *Com.* Holroyd; April 25, and May 28, at 12; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Harrison & Lewis, 6, Old Jewry, London. *Pet.* Feb. 27.

WOODRUFF, GEORGE, Butcher and Cattle Dealer, 307, Stretford-road, Tamworth-street, Hulme, Manchester. *Com.* Jemmett: April 26, and May 15, at 12; Manchester. *Off. Ass.* Fraser. *Sol.* Boote, Brown-street, Manchester. *Pet.* April 4.

WYNN, SAMUEL, Contractor, Brickmaker, and Farmer, Upper Tranmere, Chester. *Com.* Perry: April 26, and May 17, at 11; Liverpool. *Off. Ass.* Bird. *Sol.* Yates, Jun., Liverpool. *Pet.* March 27.

YOUNG, JOHN JAMES CHRISTOPHER, Licensed Victualler, Duke of Wellington Public-house, Stonebridge-common, Kingsland, Middlesex. *Com.* Fonblanque: April 24, at 1.30; and May 22, at 12; Basinghall-street. *Off. Ass.* Stansfeld. *Sols.* Dimmock & Barbey, 2, Suffolk-lane, City, London. *Pet.* April 5.

TUESDAY, April 16, 1861.

BOORMAN, RICHARD KNIGHT, Cattle Dealer, Marden, Kent. *Com.* Goulburn: April 29, and May 29, at 12, Basinghall-street. *Off. Ass.* Pennell. *Sols.* Hughes, Hooker, & Buttonshaw, 1, St. Swithin's-lane, London. *Pet.* April 13.

BREEZE, EDWARD, Grocer and Provision Dealer, Brierley-hill, Kingswinford, Staffordshire. *Com.* Sanders: April 26, and May 17, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* E. & H. Wright, Birmingham; or Homer, Brierley-hill. *Pet.* April 3.

CHOWN, HENRY CHARLES, Shoe Dealer, Sheffield. *Com.* West: April 27, and May 18, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Smith & Burdekin, Sheffield. *Pet.* April 2.

COWDEROY, JAMES, Innkeeper, late of White Hart Inn, Acton, and of Clifton Cottage, Brentford-lane, Acton, Middlesex, but now of the Crown Inn, Peckham, Surrey. *Com.* Fonblanque: April 24, at 2.30; and May 28, at 12.30; Basinghall-street. *Off. Ass.* Stansfeld. *Sols.* Smith & Son, 6, Barnard's-inn, Holborn, London. *Pet.* April 15.

DUFFIELD, JOHN, & WILLIAM RUSPIN DAUBER, Grocers, Sheffield. *Com.* West: April 27, and May 18, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Bond & Barwick, Leeds. *Pet.* April 12.

GREENHALGH, SAMUEL, Confectioner, Bury, Lancashire. *Com.* Jemmett: May 1 & 29, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Watson, Bury. Higson & Robinson, Manchester. *Pet.* April 10.

HAMBURGH, WILLIAM HENRY, Upholsterer, 91, High-street, Poplar, Middlesex. *Com.* Fonblanque: April 23, at 12.30; and May 28, at 12; Basinghall-street. *Off. Ass.* Graham. *Sol.* Wells, 47, Moorgate-street, London. *Pet.* April 8.

JENKINS, EDWARD THOMAS NASH, Cigar and Snuff Manufacturer, 17, Victoria Park-square, Bethnal Green, Middlesex. *Com.* Fane: April 26, at 12.30; and May 31, at 12; Basinghall-street. *Off. Ass.* Cannan. *Sols.* Pocock & Poole, 58, Bartholomew-close. *Pet.* April 15.

LEVITT, ISAAC, & MORRIS TOBIAS LEVITT, Chronometer and Watch Manufacturers, 31, Minories, Middlesex (J. & M. T. Levitt). *Com.* Evans: April 30, at 1.30; and May 30, at 12; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Lumley, 2, Moorgate-street, City. *Pet.* April 15.

MILLS, JOHN, Cotton Manufacturer, Royton, near Oldham, Lancaster. *Com.* Jemmett: April 30, and May 28, at 12; Manchester. *Off. Ass.* Hernaman. *Sols.* Slater and Myers, Manchester. *Pet.* April 10.

PUTNAM, WILLIAM ALFRED, Glass and China Dealer, 455, New Oxford-street, Middlesex. *Com.* Evans: April 25, at 2; and May 23, at 1.30; Basinghall-street. *Off. Ass.* Bell. *Sol.* Treherne, Gresham-street. *Pet.* April 10.

RAE, EBENEZER, Commission Agent and Merchant, 31, Eastcheap, London. *Com.* Holroyd: April 30, and May 28, at 1; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Peek & Downing, 10, Basinghall-street, London. *Pet.* April 11.

BANKRUPTCIES ANNULLED.

FRIDAY, April 12, 1861.

DANIEL, THOMAS BLAKER, Ironmonger and Blacksmith, 71A, High-street, Poplar, Middlesex.

VINCOE, JOHN, Builder, 9A, Westbourne-grove, Bayswater, Middlesex. April 11.

MEETINGS FOR PROOF OF DEBTS.

FRIDAY, April 12, 1861.

ARNOLD, BENJAMIN PAIN, Manufacturer & Warehouseman, New Cannon-street, Manchester. May 7, at 12; Manchester.—ATTWOOD, JESSE, Licensed Victualler & Corn Dealer, Bull Inn, Newington, near Sittingbourne, Kent. May 3, at 12; Basinghall-street.—BROOKE, GEORGE, Provision Dealer & Salesman, Leadenhall-market, London, and 93, Peascod-street, Windsor. May 3, at 12; Basinghall-street.—COOKE, JOHN, Glass Manufacturer, 4, 5, 6, and 7, Raven-row, Spitalfields, Middlesex, and Hall-street, City-road. May 3, at 2; Basinghall-street.—CRAVEN, GEORGE, Merchant & Commission Agent, Liverpool. May 3, at 11; Liverpool.—FLETCHER, JOHN FLETCHER, Surgeon & Apothecary, Long Sutton, otherwise Sutton St. Mary's, Lincolnshire. May 9, at 11; Nottingham.—FLOWER, EDWARD, Silversmith & Jeweller, Bold-street, Liverpool. May 8, at 11; Liverpool.—FREEMAN, JOHN, Chemist & Druggist, 13, Blackfriars-road, Surrey. May 3, at 11.30; Basinghall-street.—GRIMES, ROBERT GREEN, Licensed Victualler, Queen's Arms Public-house, High-street, Poplar, Middlesex, and Goat Public-house, Golden-lane, Old-street, Middlesex. April 23, at 1; Basinghall-street.—HARVEY, HENRY, Lamp & Chandelier Manufacturer, 39, Hatton-garden, Holborn, Middlesex (Henry Harvey & Co.) May 3, at 1; Basinghall-street.—INNOCENT, THOMAS, Wholesale & Retail Grocer & Tea Dealer, 40, Bedford-street, Covent-garden, Middlesex. May 1, at 1.30; Basinghall-street.—JOHN, WILLIAM, Grocer, Draper, & Dealer in Provisions, Pontypridd, Glamorganshire. May 9, at 11; Bristol.—MURLEY, JOHN, Carriage & Cab Builder, St. Chad's Wells, Gray's-inn-road, Middlesex. May 3, at 11; Basinghall-street.—PADMORE, GEORGE, jun., Shoe Manufacturer, Northampton. May 3, at 1; Basinghall-street.—PINKERTON, GEORGE, & ERNEST HAWKINS, Metal Brokers, 34, Great St. Helens, London (Pinkerton & Co.) April 24, at 1; Basinghall-street.—PLANE, DAWSON, Draper, King's Lynn, Norfolk. May 3, at 1; Basinghall-street.—POWELL, LEWIS, Builder, Plumber, Glazier, & Decorator, 2, Chapel-place, Cavendish-square, Middlesex (Lewis, Powell & Co.) May 3, at 11; Basinghall-street.—REA, ROBERT DAVIS, Horse Dealer & Commission Agent, Great Central Horse Repository, St. George's-road, Southwark, Surrey. May 3, at 1; Basinghall-street.—RHODES, BENJAMIN, & GEORGE RHODES, Brassfounders & Machinists, Mansfield-road Nottingham. May 9, at 11; Nottingham.—RUSSELL, EDWARD, Leather Merchant, 138, Long-lane, Bermondsey, Surrey. May 3, at 1; Basinghall-street.—SMITH, EDWARD, Woolstapler, 116, Russell-street, Bermondsey, Surrey. May 3, at 1; Basinghall-street.—SMITH, TILDEN, JAMES HILDER, GEORGE SCRIVENS, & FRANCIS SMITH, Bankers, Hastings (Smith, Hilder, Scrivens, & Smith.) May 3, at 1.30; Basinghall-street.—SMITH, WILLIAM, & WILLIAM FRANCIS PATIENT, Tanners & Leather Merchants, Bermondsey New-road, Surrey (Smith, Patient, & Smith.) May 3, at 11.30; Basinghall-street.—SOMERVILLE, MATHEW, Joiner & Packing Case Manufacturer, Liverpool. April 24, at 1; Liverpool.—SPRATT, SAGAR HOLDEN, Sail Maker & Ship Chandler, formerly of Salthouse-buildings, Liverpool, also late of Commercial-road East and Stepney-green, Middlesex, but now of 379, Strand, Middlesex. May 3, at 2; Basinghall-street.—VINCENT, SAMUEL, Butcher & Cattle Salesman, Long Sutton, Lincolnshire. May 9, at 11; Nottingham.—WALKER, GEORGE EDWARD, Victualler, Woodborough-road, Nottingham. May 9, at 11; Nottingham.—WRIGHT, JOSEPH, Cotton Spinner & Manufacturer, Heaton Mill, Heaton Norris, Lancashire, and Forge Mill, Caton, Lancashire. May 7, at 12; Manchester.

TUESDAY, April 16, 1861.

ALLANSON, WALTER, Australian Merchant, 31, Castle-street, Holborn, London (W. Allanson & Co.). April 26, at 12.30; Basinghall-street.—BLAKEWAY, JOHN, Lamp Manufacturer, Edgbaston-street, Birmingham, and Hall-green, Yardley, Worcestershire. May 17, at 11; Birmingham.—CLEGG, ROBERT DAWSON, & FREDERICK ANGERSTEIN, Dealers in Atmospheric Clocks, 44, Friday-street, Cheapside, and 73, Fleet-street, London. May 7, at 1; Basinghall-street.—FOSTER, WILLIAM GEORGE, Corn and Coal Merchant, Penny-street, Portsmouth, Hants. May 7, at 12; Basinghall-street.—GODDARD, JAMES, & HOLLAND GODDARD, Bankers, Market Harborough, Leicestershire. June 28, at 11; Birmingham.—GWILLIM, WILLIAM, Miller, Factor, & Farmer, Michael Cwmdu, Brecon-shire, and Abergavenny, Monmouthshire. May 9, at 11; Bristol.—LEWIS, JAMES WINDEVER, Wilden, Worcestershire, WILLIAM HENRY PARTRIDGE, Birmingham, & EDMUND LEWIS, Stourport, Worcestershire, Iron and Tinplate Workers (Wilden Iron and Tinplate Company). June 21, at 11; Birmingham.—MOORE, BENJAMIN, Dealer in Machines, 153, High Holborn (B. Moore & Co.), and Warehouseman, 8A, Basinghall-street, London. May 7, at 12; Basinghall-street.—NICHOLSON, THOMAS, Coal Merchant, Lydney, Gloucestershire. May 9, at 11; Bristol.—SHIPLEY, JOHN, GEORGE, Saddler & Harness Maker, joint Proprietor of the Sporting Life and Eclipse Newspapers, and sole Proprietor of the Court Circular Newspaper, 179, and 181, Regent-street, Middlesex. May 7, at 12.30; Basinghall-street.—SPENCER, JOSEPH, Ironfounder & Engineer, Bilston, Staffordshire. May 10, at 11; Birmingham.—STROUD, EDWARD, Butcher, Thatcham, Berkshire. May 9, at 1; Basinghall-street.—TONKS, JOHN, Printer, Stationer, & Wine Merchant, Birmingham. May 17, at 11; Birmingham.—YOUNG, WILLIAM WESTON, JOSEPH WESTON YOUNG, & GEORGE YOUNG, Millers & Corn and Provision Merchants, Neath, Glamorganshire. May 9, at 11; Bristol.

THAMES-STREET AND BISHOPSGATE-STREET.

Valuable Freehold Estates, comprising the King's Arms Publichouse, Lower Thames-street, and a commanding Shop and Warehouse, Bishopsgate-street without, producing £285 per annum.

MESSRS. FAREBROTHER, CLARK, and LYE have received instructions to SELL, at GARRAWAY'S, on WEDNESDAY, MAY 1, at TWELVE, a valuable FREEHOLD ESTATE, comprising that well-known publichouse, the King's Arms, situate No. 61, Lower Thames-street, and 11, Water-lane, leased to Messrs. Courage, Brewers, for a term of 14 years from the 29th September, 1852, leaving only 5½ unexpired, at the low rent of £190 per annum, and a capital and commanding shop and premises, with large warehouse in the rear, situate No. 85, Bishopsgate-street Without, let on lease to Mr. John Teede, Grocer, for 14 years from Lady-day, 1856, at a rental of, for the first seven years, £95, the remainder at £100 per annum.

To be viewed by permission of the tenants, and particulars had of F. N. DEVEY, Esq., No. 34, Ely-place, Holborn, E.C.; at Garraway's, E.C.; and of Messrs. FAREBROTHER, CLARK, and LYE, 6, Lancaster-place, Strand, W.C.

CHARING-CROSS HOSPITAL, West Strand.—This Charity has now entered the 45th year of its existence, and the Governors indulge the hope that its operations will always be found worthy of adequate support.

Its exertions comprehend the relief annually of from 16,000 to 17,000 sick and disabled poor, including 3,000 cases of accident (many of great severity and danger), and constant accommodation for upwards of 100 in-patients in the wards. The annual cost is about £3,000. The following contributions are thankfully acknowledged:—

G. F. Hensage, Esq.	£10	10	0	Mrs. E. C., add	£50	0	0
Mrs. F. C., add	50	0	0	H. Cunliffe, Esq.	40	0	0

CHILDREN'S WARDS.

To render the Hospital still more efficient, the Council are anxious to bring into useful operation the Wards for Children, hitherto unoccupied for want of funds; a measure which alone remains to complete the designs of the founders. It has been estimated that the addition of £330 annually to the income of the Hospital would suffice for its accomplishment, an addition which it is earnestly hoped public benevolence will supply.

A generous benefactor has commenced a subscription for the purpose by a donation of £500, to which the following liberal contributions have been added, and the Council anxiously solicit the assistance of other supporters to the good work.

W. Stuart, Esq.	£500	0	0	R. Few, Esq.	£100	0	0
Dr. Golding	10	10	0	Ditto	a 2	0	0
J. Greenwood, Esq.	5	5	0	J. Wilkinson, Esq.	5	5	0
H. Walmisley, Esq.	50	0	0	Ditto	a 1	1	0
T. Tilson, Esq.	20	0	0	Charles Few, Esq.	50	0	0
Rev. R. H. Cooper	3	0	0	James Parker, Esq.	10	10	0
R. Cobbett, Esq.	10	10	0	Surplus of Subscription for a Testimonial to Dr. Golding and Mr. Robertson	60	12	0
Ditto	a 1	1	0				
E. Wilder, Esq.	10	10	0				
Lord Egerton of Tatton	50	0	0				

ENDOWMENT FUND.

To ensure the permanence of the useful objects of the Hospital, and to assist in providing against the serious losses which it sustains with painful frequency by the death of kind supporters, a Permanent Endowment Fund has been established, which, when further promoted by benefactions or bequests, will afford some steady source of income, in addition to that arising from casual and therefore uncertain subscriptions. The dividends from this source will substantially assist the regular disbursements of the Hospital, while the invested principal will be held intact and inviolate.

Very valuable assistance has been rendered by the legacies of deceased benefactors, and as upon this source the continued welfare of the Hospital must in great part depend, it may be respectfully stated to those benefactors who may be desirous to endow, by benefaction or bequest, a ward, or one or more beds, to bear in perpetuity the name of the donor, or of one whose memory he cherishes and would wish to identify with a permanent work of charity, that such desire can be fulfilled in accordance with the regulations of this Hospital.

The following additional contributions are thankfully acknowledged:—

Thomas Raymond Barker, Esq., add., £25, making up	£100	0	0	The Rev. A. Clissold	£50	0	0
				Messrs. Gale & Co.	add. 5	5	0
				Messrs. Cox & Co.	100	0	0

Donations for the current objects of the Hospital, or for the Children's Wards, or the Endowment Fund, will be thankfully received by the Secretary, at the Hospital; and by Messrs. Coutts, Messrs. Drummonds, Messrs. Hoare, and Messrs. Herries; and through all the principal bankers.

April, 1861. JOHN ROBERTSON, Hon. Sec.

BRITISH MUTUAL INVESTMENT, LOAN and DISCOUNT COMPANY (Limited),
17, NEW BRIDGE-STREET, BLACKFRIARS, LONDON, E.C.

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SOLICITORS.
Messrs. PATTESON & COBBOLD, 3, Bedford-row.

MANAGER.
CHARLES JAMES THICKE, Esq., 17, New Bridge-street.

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MICHAEL SAWARD, Secretary.

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We cannot notice any communication unless accompanied by the name and address of the writer.

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THE SOLICITORS' JOURNAL.

LONDON, APRIL 27, 1861.

CURRENT TOPICS.

A clause introduced into the Bankruptcy and Insolvency Bill, now before the House of Lords, and passed by the House of Commons without comment, requires more attention than it has hitherto to all appearance received. We refer to the 86th clause of the Bill as amended, which is as follows:—

"Wherever the goods and chattels of a debtor are sold under an execution upon any judgment recovered in any action or suit brought for the recovery of a debt, money demand, or damages against any debtor, such goods and chattels shall in all cases be sold by the sheriff by public auction, and not by bill of sale or private contract, and such sale shall be publicly advertised by the sheriff on and during three days next preceding the day of sale."

The subject of this clause is one with which few members of the Legislature, legal or otherwise, are familiar, which circumstance may probably account for the silence under which it was passed; but by the majority of solicitors its operation will be sufficiently understood, and we therefore invite their serious attention to it. It appears to us that the clause if passed would produce much inconvenience and loss to both debtor and creditor, without any adequate advantage to either. We will illustrate our meaning by putting the following simple instances which may have, probably, occurred to some of our readers.

There are many clergymen, small landed proprietors, or traders living in remote parts of the country, who have, by marriage, bequest, or otherwise, become proprietors of shares in banking or trading companies, and thereby exposed themselves in case of the failure of such companies, at least in the first instance, to heavy personal liability. There is in such cases nothing to prevent a judgment being entered up and execution issued against such a person for an amount exceeding his ability to pay, and as a consequence of such execution his furniture may be seized by the sheriff. It frequently happens that the pressure is only temporary, and that there is a prospect of the difficulties being surmounted. In such a case, as the law is at present, it is a common thing for a third party to intervene and purchase the goods or furniture from the sheriff at their full value, so as to retain them in their existing state until a settlement can be arrived at. The creditor thus gets the full value of the property he has seized, and the debtor gets the advantage of a reasonable time to prevent his house from being dismantled, and his stock-in-trade or other effects lost and dispersed, and probably sold at an undervalue. But if the clause in question becomes law, these arrangements, which are of frequent occurrence, can no longer take place, and the sheriff will be bound to realise the value of the goods by public auction. Either, therefore, the debtor must pay the whole debt, which he may be unable to do, or he must submit to have his establishment broken up. The proceeds of furniture or stock-in-trade when sold by auction are in most cases much less than their value to the owner, and generally the owner is, from the circumstance of his station in society, or of his trading connexions, or from personal feelings, willing to pay or secure much more than the intrinsic value of his goods, if allowed to retain them: but the clause in question is imperative; when once the goods have passed into the hands of the sheriff, they must be dispersed and sold, unless the sheriff is willing to take upon himself the responsibility of violating the statute. There appears no good reason why that this clause, which is in no way connected with procedure in bankruptcy or insolvency, but rather with the general law of debtor and creditor, should be inserted in its present place, and its omission would in no way interfere with the operation of the measure. But as it has already passed the Commons it is important to consider its probable operation; and we think it advisable to call the attention of our readers to the subject.

We are indebted to a learned correspondent for the following remarks upon some features in the Attorney-General's Bankruptcy and Insolvency Bill, which do not recommend the Bill to lawyers:—

I beg leave to draw attention to the following points:—

In the Bill there are sections	246
By reference to schedule G, and the Acts therein specified, it will be seen that the following sections of Acts are retained:—	
Of 1 & 2 Vict. c. 110	22
Of 7 & 8 Vict. c. 96.....	26
Of 10 & 11 Vict. c. 102	1
Of 12 & 13 Vict. c. 106 (unless they can be shown to be inconsistent with the proposed Act)	210
Of 15 & 16 Vict. c. 77.....	13
Of 17 & 18 Vict. c. 119	16
Total	534

In order, therefore, to construe the Bill, consideration must be given to 534 sections, without reference to any other statutes, and parts of statutes, which have not been repealed; see particularly the schedule to 12 & 13 Vict. c. 106. By the 7th & 8th Vict. c. 96, s. 74, and the 12th & 13th Vict. c. 106, s. 1, and the 244th section of the new Bill, and schedule G (by which the repeal of certain Acts, or parts of Acts, has been, or is intended to be, effected), the repeal is not express but by enactment that certain statutes, or parts of statutes, *inconsistent* with particular statutes, or parts of statutes, shall be repealed. It is plain that by such a course of legislation there is an impossibility of arriving at any definite conclusion as to the meaning of the Legislature. The Lord Chancellor, speaking in the House of Lords, on the 28th of February last, on the Statute Law Revision Bill, said, "No lawyer, however laborious had been his studies, could take upon himself to state what statutes were now in force, and what had been repealed, particularly after the vicious mode of passing Acts of Parliament by which statutes were repealed, not expressly, but by simply enacting that all statutes *inconsistent* with that particular Act should be repealed. The difficulty, of course, was to decide what statutes were *inconsistent* with it."—Hansard, vol. 161, p. 1058. The House of Commons, with a laugh, received the information given to them by the Attorney-General on the 11th of February last on introducing the Bill, that it was less by one-half than the Bill of last session; but if the result shall be the necessity of reference to 534 sections of Acts of Parliament, and to other Acts relating to the subject which have not been repealed, although the members of the House of Commons may laugh at being relieved from considering a long bill, the people will have to contend against great length, and, according to the opinion of the Lord Chancellor, almost insuperable difficulty of construction from the vicious mode of repeal I have mentioned. It should be remembered that the House of Commons have had, according to the views of the Attorney-General, their way against his judgment, which he stated he had surrendered, his sentiments and feelings being in favour of a consolidating measure; see his speech on the 11th of February last.

In the personal history of Lord Bacon, p. 34, is the following:—"Bacon tells a house full of Queen's serjeants and utter barristers that the laws are made to guard the rights of the people, not to feed the lawyers. The laws should be read by all, known to all. Put them into shape, inform them with philosophy, reduce them in bulk, give them into every man's hand." I commend this passage to those of our legislators who undertake the amendment of our bankruptcy laws.

The *Saturday Review* of last week contains a sensible and well-timed article upon the subject of the appointment of recorders, which was suggested by the recent vacancies at Leeds and Brighton. We extract the following observations:—

Recorderships are given as a field of trial and as a step in promotion to men of two sorts. There are many barristers who become first notorious, and then famous, by doing a rather inferior and questionable style of business—who are supposed to be somehow not exactly on the square—who are, perhaps, burdened with debt, have their paper in the market, and are at the mercy of merciless creditors; or who have in some way compromised their reputation and are rather shunned, although no one has any definite charge to adduce against them. Such men are often possessed of real ability, and even if their gifts are not of a high kind, yet they know how, by the arts of pleasing or annoying, to make themselves felt by those who have a voice in the distribution of good things. When recorderships are given to such men, an opportunity is secured of observing how they really stand in the estimation of the public and the profession. There is enough of the judicial dignity attaching to the office to make an appointment in some degree serve as a certificate of judicial capability; and yet there is no great harm done, nor does any great scandal ensue, if the recorder, instead of showing that he is more nearly fit for the bench than was thought, only enhances his previous bad reputation, and sinks lower and lower. It is only a kind of mimic judgeship that is being degraded by its holder. Sometimes, also, the office is conferred on young men who promise to rise to greater things, and who have impressed some influential person with a sense of their power of mind, application, and fitness to administer criminal law. It is not very often that appointments are made in this way, as the young recorder must ordinarily have done something more than inspire a good opinion of himself, and must have enjoyed an opportunity of rendering some service that has brought him under the special notice of a powerful friend; and the occurrence of such an opportunity is necessarily fortuitous. But when it so happens that such a man has the opportunity, and profits by it, to get a recordership early in his career, the appointment is at once a great encouragement to the individual and beneficial to the public. The actual experience of a judge's work is a rich source of instruction to a rising barrister, and acts as a check on the meaner passions and coarser feelings apt to prevail in criminal courts; and everything which tends to raise the character of the bar is a public benefit. If they did nothing else recorderships would be very useful as permitting those entrusted with the appointment occasionally to give men of doubtful position a new chance of respectability, and to encourage, and at the same time in some small degree improve, men of promise while still struggling with the difficulties that encompass a man who holds the humble position of a sessions junior. Recorderships serve, it must be owned, a much higher purpose when they are offered to such men as Mr. Ellis. The English bar derives much of its reputation from numbering in its ranks men who only attain moderate professional success, but who are known widely beyond the limits of their profession.

The manner in which the minor judicial patronage of the Government is distributed concerns the public even more than the legal profession. On a former occasion we felt called upon to offer some criticism upon the appointment to some vacant recorderships of gentlemen who had no other claim or qualification for the office of recorder than aristocratic and powerful connections. Mr. Henry Wyndham West, of the Northern Circuit, and of the West Riding, Yorkshire, and Leeds Borough Sessions, has within the present week been appointed to the Attorney-Generalship of the Duchy of Lancaster, an office which has been rendered vacant by the lamented death of Mr. Flower Ellis, a very learned and able lawyer and accomplished gentleman. Now we know nothing whatever of Mr. West, except what we learn from the *Law List*, and from a contemporary which is devoted to the interests of city companies, and delights in chronicling the honours attained by the liverymen of the city. The *City Press* informs us that Mr. West has been for some years a revising barrister for the West Riding of Yorkshire, and that he is also recorder of Scarborough, and junior counsel to the Admiralty. These three appointments might well have been considered a fair allowance for gentleman who was called to the Bar only in 1848, and who has never, either upon circuit or by his contributions to legal literature, made himself a name which is much known in the profession. At all events it is not strange that the nomination of Mr. West as Attorney-General for the Duchy of Lancaster should cause some surprise on a circuit numbering nearly 200 members, the majority of whom may fairly be supposed to possess personal qualifications for the office equal to those of the fortunate pluralist who has been appointed. Pluralism in the Church has been almost put down by the strong feeling of public indignation, which was brought to bear upon it for some years; and, perhaps, we ought to be thankful that our profession is not more frequently scandalized by such exhibitions of favouritism as the public has just witnessed in the case of the recent appointment in the Duchy of Lancaster.

The very singular case of *Wing* v. *Taylor*, which was argued on Tuesday in the Divorce Court, affords a curious and important illustration of the complications of our ancient statute law, and of the extreme difficulty attending any attempt at its authoritative revision. Two distinct questions were raised in that case. We are at present concerned only with one of them—namely, whether, according to the statute law of England, a marriage in all other respects good is, in fact, null and void if the man had previous carnal knowledge of any woman within the prohibited degrees of affinity towards his wife; whether, for example, as in the case of *Wing* v. *Taylor*, the petitioner was entitled to have a decree of nullity of marriage, because, as he alleged, he had, previous to the marriage, connection with the mother of the person whom he married. The statute law upon this subject appears to stand thus:—The 28 Hen. 8, c. 7, settled the prohibited degrees of affinity, and enacted that "if it chance any man to know carnally any woman, that then all and singular persons being in any degree of consanguinity or affinity as is above written to any of the parties so carnally offending shall be deemed to be within the cases and limits of the said prohibitions of marriage;" and it enacts that from thenceiorth no person shall marry within the prohibited degrees. This enactment was entirely repealed by the 17th section of the 1 & 2 Ph. & M. c. 8, which was passed to repeal all articles and provisions made against the See of Rome during and since the latter part of the reign of Henry VIII. The object of the very first Act of the reign of Elizabeth, however, being to restore to the Crown its jurisdiction in ecclesiastical and spiritual matters, there arises a question whether the particular enactment in the Act of Hen. 8 which we have quoted above was revived by the statute of Elizabeth; and on the decision of this point will probably depend the judgment of the Court, which has been reserved. It is a curious circumstance that for three centuries this question should never have been distinctly raised, although there are reported cases in which it might have been; but we now allude to it not merely on account of its intrinsic importance, but as an example of the difficulties which lie in the way of the consolidation of our statute book. Those of our readers who may wish to acquaint themselves more fully with the law upon the point raised in *Wing* v. *Taylor*, will find much useful and interesting information about it in *Harrison* v. *Burwell*, Vaughan's Reports 206, and *Hill* v. *Good*, *ib.* 302, two cases which do not appear to have been cited in the argument of *Wing* v. *Taylor*.

Another very singular case upon the law of marriage has recently been discussed in the House of Lords, and was decided on last Monday. In *Beamish* v. *Beamish* the question was simply whether a clergyman could perform a valid marriage between himself and another person. The Court of Exchequer Chamber in Ireland decided that he could do so, and this judgment has been reversed in the House of Lords mainly upon the ground

that the House was bound by its own decision in *The Queen* v. *Millis*. The effect of the recent decision is that a marriage by a clergyman to be valid must be celebrated by a third person *in facie ecclesiæ*.

The Cambridge University Volunteer Corps has invited the Inns of Court Volunteer Corps to a field day at Cambridge in the approaching month of May, and we believe that a large number of the members of the latter corps have signified their willingness to accept the invitation. It is expected that the 18th of May will be the day for the excursion, and that not less than 300 members of the Inns of Court Corps will muster on the occasion.

It is said that the Lord Chancellor has decided upon yielding to the request of Lord Chelmsford and the other Law Lords to have the Attorney-General's Bankruptcy Bill referred to a Select Committee of the House of Lords. If this rumour should prove correct it is by no means unlikely that considerable changes may be made in the part of the Bill which relates to the constitution of the proposed new Court of Appeal, as a majority of the Law Lords appear to be in favour of continuing the appeal in bankruptcy to the Chancery Judges, and, therefore, opposed to the appointment of a Chief Judge in Bankruptcy.

LORD CRANWORTH'S BILL TO AMEND THE LAWS RELATING TO CHARITABLE USES.

The Mortmain Acts may be regarded in three distinct phases—according as we consider their contravention of the rule against perpetuities; the nature of the property to which they relate; or the administration and judicial procedure best adapted to the effective working of corporate or charitable institutions. The present observations are intended to apply only to the second of these heads of inquiry. The distinction of property into real and personal, which runs throughout our entire jurisprudence, has been, perhaps, in no branch of law more productive of inconvenience than in that of which we are now treating. This complication has been in a great measure owing to the spirit in which the judges have endeavoured to carry out the provisions of the Mortmain Acts, and the astuteness which they have consequently shown in bringing cases within their purview, notwithstanding that the general leaning of the Court is against a wide application of the doctrine of equitable conversion. But the main cause of the intricacies of the laws of mortmain is to be attributed to the difficulties that always attend the application of this doctrine. The Mortmain Acts apply only to donations of real estate, or of property savouring of realty. Pure personalty is left, as at common law, wholly in the power of its owner, to be granted by will, or by a transaction *inter vivos*, without any ceremony being required to perfect the grant except what the law may require in case the donation were made to a private individual. Very many cases, however, have occurred in which land has been directed to be converted into money, or, *e converso*, in which money has been directed to be invested in land, and great difficulty has thus arisen in applying to such cases the equitable doctrine of conversion, and determining whether the subject matter of the donation were sufficiently impressed with the character which the donor intended to impart to it. If money were directed by a testator to be laid out in the purchase of land for charitable uses, the sum so bequeathed became, in the eyes of equity, real estate, and the bequest was, therefore, void. The direction as to its conversion into realty, however, might not be sufficiently imperative to alter the legal incidents of the subject of the grant; and hence great litigation has frequently arisen between the representatives of the donor and the declared objects of his bounty. Moreover, a donation might have been intended to be made out of personalty; but, if it becomes necessary to resort to the real estate of the donor, so far the gift fails. Before directing the attention of the reader to the remedy for these evils, a brief statement of the origin and development of the mortmain laws, and of some of the cases in which their application has been found most difficult, may facilitate a right comprehension of the necessity, as well as of the efficacy, of the remedy we propose. This is, indeed, almost too obvious to require much advocacy, were it not so long overlooked. It appears to us to consist in the abolition of the distinction of possessions into real and personal, so far as the Mortmain Acts are concerned, and the enactment of a single comprehensive measure which will apply equally to all descriptions of property.

Corporations had at common law a capacity to take lands, but not without a license both from the lord of the seigniory and from the Sovereign, the lord paramount of all estates in the kingdom. Under the feudal law, the lord of a seigniory was entitled to certain services or fines upon the succession of the heir, or the marriage of the daughter, of his tenant; and if the latter attempted to settle or alien the land in any manner that would abridge these privileges of the lord, the latter could enter for a forfeiture, the tenant having thus committed a breach of fealty, in violation of the terms of the feudal compact. But a corporation had no daughters upon whose marriage the lord could obtain the usual reliefs, nor heirs, since in construction of law it never died, and "*Nemo est hæres viventis*." The alienation of lands to such a body being thus a virtual renunciation of all seignorial claims, a license from the lord and from the Crown was necessary even at common law. A similar dispensing power existed in the civil law, which ordained that a special privilege was indispensable to enable a corporation to take lands. *Collegium, si nullo speciali privilegio subnixum sit, hæreditatem capere non posse, dubium non est*, Cod. 6, 8, 24. The English legislature added other restrictions, upon the ground that lands thus alienated were removed from the active uses of commerce for a period beyond that allowed by the rule against perpetuities. The true reason, however, why alienations in mortmain were discountenanced by the feudal nobility of the middle ages is probably to be ascribed, not so much to the regard which the aristocracy of that period entertained for the interests of commerce, as it is to their losses of aids, reliefs, &c., before-mentioned, and also to their jealousy of the growth of ecclesiastical power. Of the many explanations of the primary sense of the word Mortmain offered by Sir Edward Coke, 1 Inst. 2, the most probable is the one preferred by Blackstone, viz., that religious persons being dead in law, lands holden by them were *in mortuâ manu*. The term is at present used to denote all the possessions of corporations, whether these be religious or lay, and is used chiefly to express the dead and unserviceable character of such possessions, so far as the purposes of commerce are concerned. Our readers are, of course, aware that most of the peculiar complications of English law, and its administration in the distinct channels of law and equity, have arisen from the conflict for pre-eminence that has so long existed between the common and the civil law. The statutes which directly or indirectly affect alienations in mortmain indicate, like so many legal epochs, the successive stages of this juridical contest, and illustrate the gradual development of our present law of real property.

Magna Charta (9 Hen. 3, c. 36) was the first mortmain statute. It forbids the giving of lands to religious houses, which were almost the only corporations then in being. The statute 7 Ed. 1, c. 2, extended the prohibition to grants made to the secular clergy. Notwithstanding this statute, however, grants to such corporations are only voidable and not void, unless they

be made for charitable uses, within the meaning of the statute of 9 Geo. 2, c. 36, in which case they are absolutely void. A lease for twenty, or even ninety-nine years, appears not to be within the former statutes, but the law is otherwise as to a lease for a long term. The statute 13 Ed. 1, provided that religious corporations should derive no benefit from recoveries, and the same bodies are excepted in the statute *Quia Emptores*, 18 Ed. 1, c. 1, by which tenants obtained full power to alien their lands. The 15 Rich. 2, c. 2, likewise exempts religious houses from the benefit of trusts. This statute was the first Mortmain Act passed in respect to lay corporations; it extended to these the provisions of the statute 7 Ed. 1, c. 2. The statute 23 Hen. 8, c. 10, which is the first Act against superstitious uses, prohibits alienations of land made for devotional purposes to non-corporate bodies, such as churchwardens, &c. Such donations, it appears, were not within the previous statutes of mortmain, and were not void, although constituting a perpetuity. This was allowed probably on the ground of the prevalence of the custom. The statute 9 Geo. 2, c. 36, completes our list of the Mortmain Acts. The object of that Act, however, is not to prevent alienations in mortmain, but to prescribe certain formalities to grants of land for charitable purposes. Alienations in mortmain were not made void by the statutes passed prior to this Act, so as to let in the grantor or his heirs, but amounted to a forfeiture of the lands to the superior lord. Mesne lords, however, as also the sovereign, the lord paramount, could dispense with their own privileges—*Quilibet potest renunciare juri pro se introducto.* A license from these was, therefore, efficacious, notwithstanding the mortmain statutes. After the feudal tenures were abolished by the statute 12 Car. 2, c. 24, the value of a seigniory became much diminished. Moreover, few mesne seigniories existed even at that period, owing to the long operation of the statute, *Quia Emptores*, which has prevented subinfeudation. The statute 7 & 8 Will. 3, c. 37, accordingly, has vested in the Crown alone full powers to dispense with the statutes of mortmain. But, as at common law, no devise of lands was good, and as corporations are expressly excepted in the statute of wills, 32 Hen. 8, c. 1, no devise of lands to a corporation was valid until the statute 43 Eliz. c. 3, allowed such devises in cases of charities. This exception has been greatly narrowed by the statute, 9 Geo. 2, c. 36. The first section of this statute enacts that no manors, lands, or hereditaments, chattels, or sums of money to be laid out in the purchase of lands, shall be given or granted to any person or body politic for the benefit of any charitable uses whatsoever, unless the conveyance be by deed indented, sealed, and delivered in the presence of two witnesses, twelve months before the death of the grantor, and enrolled within six months next after its execution. The same section also enacts that donations of stock, to be valid, should be completed by an actual transfer six months before the death of the donor, and that all grants of land and of money or stock to be laid out in the purchase of land, be made to take effect immediately in possession for the intended charitable use, and be without any power of revocation or reservation whatsoever for the benefit of the donor. The second section exempts grants for valuable consideration from the previous provisions as to the sealing and delivery of the deeds of grant and as to the transfer of stock at the specified periods, respectively, before the grantor's death. Such deeds, however, are equally as liable to all the other formalities required by the Act, as if they comprised merely voluntary grants. The third section of the Act provides that all deeds, not in accordance with the prescribed formalities, shall be null and void. The fourth section exempts from the purview of the Act the two Universities and the colleges of Eton, Winchester, and Westminster.

A general impression having prevailed that all the conditions prescribed by this Act were waived by the second section as to cases of purchases made by charities, a general disregard of *all* the formalities prescribed by the first section frequently occurred in such cases of purchase. The Act 9 Geo. 4, c. 85, was passed to remedy some of these mistakes. It does not apply to deeds which contain a reservation in favour of the grantor, and it has only a retrospective operation. The chief object of Lord Cranworth's Bill, which is now before Parliament, is to dispense in future, in cases of purchase, with most of the formalities required by the Act of George 2. The first section of the Bill proposes that no deed or assurance hereafter to be made for charitable uses, shall be deemed void within the meaning of the Act of George 2, by reason of not being indented, nor by reason of reserving to the grantor a nominal rent, mines, easements, covenants as to repair or enjoyment, or a right of entry on breach of such stipulations; nor, as regards copyholds and customary freeholds, for want of a deed; nor, in cases of a purchase for full consideration, by reason of the consideration consisting of a rent reserved to the vendor or to any other person, provided that in all reservations the owner or vendor shall reserve the same benefits for his representatives as for himself. The second section provides that when the uses of a deed of conveyance are declared by a separate deed, the enrolment of the latter alone is in future to be sufficient. The third section validates all past deeds made for full value, under which possession is now held, if such deeds were made to take effect immediately in possession, without any power of revocation, and if such shall be enrolled (if not so already) within twelve months after the passing of this Act. The fourth section provides that if the uses of such deeds have been declared by separate deeds, the enrolment of the latter alone will be sufficient. The fifth section provides that the Act is not to invalidate any deed otherwise good, nor to apply to deeds already avoided or sought to be avoided in due course of law. The acknowledgment of deeds thirty years old, and of any other deeds, which it is impossible to have acknowledged within twelve months after the passing of the Act, is also declared unnecessary prior to enrolment. The last section of the Bill exempts from its provisions, Ireland, Scotland, the two Universities, and the colleges of Eton, Winchester, and Westminster.

The case of *Jeffries* v. *Alexander* (7 Jur. N. S. 221), decided by the House of Lords last session, illustrates very clearly the various complications to which the present state of the law of mortmain has given rise. In this case a deed of covenant was executed by A. B. five years before his death, whereby he agreed that he would in his lifetime, or that his executors should within twelve months after his decease, but subject to the payment of his debts and legacies, invest a certain sum of money in Consols, in the names of trustees, for certain charitable uses. Part of the property left by the covenantor at his death consisted of personalty savouring of the realty. The House of Lords (Lords Cranworth and Wensleydale dissenting), held, reversing the decision of the Lords Justices, who had reversed that of Sir J. Romilly, M. R., that the deed of covenant, so far as the chattels real were concerned, was within the meaning of the third section of the Mortmain Act, and, therefore, void, although the deed did not *ex facie* violate the provisions of that statute. Where the proceeds of an estate devised to be sold were bequeathed in trust for charitable purposes, Lord Hardwicke held the bequest void, although such a bequest had no tendency to bring the lands into mortmain; *Attorney-General* v. *Lord Weymouth* (Amb. 25). On the other hand, if a testator whose assets consisted exclusively of a bond due from a deceased obligor, were to make any charitable bequest, the real estate of the obligor would be resorted to if necessary for the purpose of discharging the bequest, *Foone* v. *Blount*

(Cowp. 464). The principle of this case, however, which was cited by Lord Cranworth in support of his dissent in *Jeffries* v. *Alexander*, appears to be easily distinguished from that affirmed by the latter case, inasmuch as the resort to realty for satisfaction of the bequest in *Jeffries* v. *Alexander*, was rendered necessary by the donor's own acts; but in *Foone* v. *Blount*, this necessity was owing to the nature of the property of a party who had nothing to do with the bequest, and who could not, therefore, be affected by the Mortmain Act. In *Harrison* v. *Harrison* (1 Russ. & M. 71), a vendor's lien for unpaid purchase-money was held to be an interest within the meaning of the Mortmain Act: inasmuch as the vendor, like a mortgagee, had the legal estate, until a conveyance was perfected.

Assets are never marshalled in favour of charities: *Mogg* v. *Hodges*, (2 Ves. 53). Such bequests, moreover, fail in the proportion in which, if valid, they should have been paid out of realty, or out of personalty savouring of realty, such as mortgages, leaseholds, &c., *Attorney-General* v. *Tyndal* (2 Eden. 207). But a testator may direct his charitable bequests to be paid exclusively out of his pure personalty, and the Court will give effect to his intention; *Robinson* v. *Geldard* (3 Mac. & G. 735.) In *Tempest* v. *Tempest*, 5 W. R. 402, a testatrix by her will gave her real estate to trustees upon certain trusts, and amongst divers specific and pecuniary bequests bequeathed to the same trustees such a sum of money as when invested in consols would produce a certain clear annual income upon trust for certain specified charitable uses. She also directed that the said charitable bequests should be paid *in precedence of other pecuniary legacies* bequeathed by the same will out of such part of her personal property not specifically bequeathed as was by law applicable for charitable purposes, and she gave the residue of her personal property to the said trustees upon the trusts in the will mentioned. By an order of Wood, V.C., on further consideration it was declared that the debts and funeral expenses of the testatrix, and the costs of the suit for administering her estate, were primarily payable out of her personal estate savouring of the realty. The ground of this decision would appear to be that the general rule against marshalling in favour of charities was neutralized in this case by the demonstrative character of the charitable bequests; demonstrative legacies not being liable to abate rateably with general or pecuniary legacies on a deficiency of assets. (*Vide* "Smith's Com. Real and Per. Pro.," 826.) On appeal from this order, the Lord Chancellor held that the testatrix did not indicate an intention of exempting the pure personalty from its usual liability to contribute rateably with the personalty savouring of the realty to the debts and funeral expenses of the testatrix, and that, therefore, the charitable bequests could be enforced only against the portion of the pure personalty which remained after such a deduction. The principle of this decision appears to be that the rule against marshalling in favour of charities is not to be waived, except upon the expression of a clear intention in a will to that effect, and that a bequest of a demonstrative legacy out of a fund of pure personalty is not a sufficient indication of such an intention. These cases, and especially the judgments in *Jeffries* v. *Alexander*, clearly depict the complications which the distinction of property into realty and personalty has produced in this branch of law.

The laws and procedure relating to the administration of charities are in a very unsatisfactory state, notwithstanding that the reports of commissioners on the subject fill twenty-eight volumes folio, and cover 28,000 pages. Upon this branch of the laws of charities we do not offer any comments at present. We merely suggest that, while the administration of charitable funds is, no doubt, wholly distinct in its juridical relations from the laws which should regulate charitable donations and bequests, yet we would gladly see the whole mechanism, as well as the theory, of charities provided for by a single comprehensive enactment. Partial legislation is seldom desirable. By the Endowed Schools Act of last session, trustees of schools were bound to open them to Dissenters, without imposing any conformity to the Church of England. As an alleged corollary to this Act, the Trustees of Charities Bill, lately before Parliament, proposed that the appointment of the trustees of schools should be made without reference to religious qualifications. This Bill, if passed, might have been also found to be unequal even to the object of its author, as also wanting in harmony with the other parts of the system. But if the administration of charities was provided for on the same principles, and by the same statute that regulated charitable donations and bequests, the chances of an incongruity between the theory and the working of these institutions would be greatly obviated. We regret that Lord Cranworth does not propose to deal with the whole law of mortmain, and submit a single comprehensive measure, which would be calculated to obviate the existing causes of difficulty. We do not see why purchases made by charitable institutions should be subjected to peculiar restrictions as to the formalities of conveyancing. If the accumulation of wealth by charitable corporations should be discountenanced upon grounds of public policy, let the law declare this. But it is somewhat absurd to allow these corporations to take as much personalty, and buy as much realty, as they can, but subject to restrictions which are necessarily troublesome and almost frivolous.

The main cause of the intricacies of the laws of mortmain is, doubtless, to be referred to their applying merely to grants of realty. The first Mortmain Acts applied only to donations of land, as the personal property in the kingdom in those times was comparatively trivial, and incapable of conferring political power upon its possessors. The subsequent Mortmain Acts followed in the same track, and thus, in the Act of George the Second, we find no mention of personal property, except such as is directed to be converted into realty, although at that period the personalty of British subjects was of very considerable value. If the principle, then, of the Mortmain Acts be politic, they should, surely, apply to that description of property which at present constitutes so large a portion of the national wealth. The importance of extending their provisions to personalty is still greater than can be indicated by any estimate of the relative value of the personalty and the realty of British subjects, since the real estate which is not tied up in family settlements, and which alone can be granted to charitable or any other uses, is the only realty which the Mortmain Acts can affect. This amount of realty is, we may assume, at any given time, not a very large proportion of the whole landed wealth of the kingdom. On the other hand, the proportion of the whole personalty of British subjects, which is not out of the reach of transfer or donation, is always very great, and it is with this amount the proportion of disposable realty is to be compared. The laws of mortmain, then, have provided only for that part of the national wealth which, in respect to our present inquiry, is far the less valuable; while the distinction between realty and personalty, which these laws recognise, have been, as we have shown, productive of immense litigation. Land, indeed, affords, by reason of its indestructibility, a basis of peculiar value for the adjustment of political rights, and for securing an independence for an unborn generation; and to this limited extent we consider that the distinction which our law takes between real and personal property, has had very beneficial results. But when we find this distinction unnecessarily maintained in other branches of law, we should recur to first principles, and not perpetuate an undue extension of antiquated and subtle rules in a state of society and of national wealth, to which those distinctions were not

originally intended to apply. Our mortmain laws, then, it is obvious, should equally relate to personalty and realty. Moreover, the equitable doctrine of conversion has so confused the boundaries of real and personal estate, that unless the former species of property greatly preponderated in value over the latter, the expensive distinction should be abrogated. It has not been our intention to have discussed in this paper the political phases of the laws of mortmain. The present principle of these laws is perhaps sufficiently sound, as after a license is obtained by the intended donee, the subject has full power to grant away all his property during his life, or at least before the period likely to precede the approach of his last illness. The law ordains, wisely, we think, that a testator should not selfishly enjoy his property during life, and then, on his death-bed, with a view to his own spiritual good, cheat his relations or expectant heirs, or other relatives. This rule of public policy is not likely to conflict with the religous opinions of any class. But, whatever may be the principles of public policy which the legislature shall adopt for its guidance as to the laws of mortmain, it is, we think, an indispensable condition to the salutary operation of those laws, that they should make no distinction between grants of real and of personal property.

The English Law of Domicil.

(By Oliver Stephen Round, Esq., of Lincoln's-inn, *Barrister-at-law.*)

X. (*Continued.*)

It has been made a matter of argument, though never hrown out even as a *dictum* by a judge, but indeed an opinion expressed to the contrary, that a sojourn in a foreign country for the sole purpose of amassing property, when such a result occurs, will cause a reverter of the domicil of origin without the *factum* of arrival at, and residence in, that original domicil, the abandonment of the acquired domicil, and the dying *in itinere*, being sufficient to revest the old domicil, if I may use the expression; but this is so manifestly open to objection that it cannot be supported. Were it the law, the effect would be that every departure from one place with an intention to proceed to another would *ipso facto* cause a new domicil to be acquired in that other place, in which case the true ingredient would be wanting, namely, the party being so far a subject of that country that his property can be dealt with by the laws of that country, into which he has not even set his foot. Upon this point the question naturally arises, whether a man can have more than one domicil? But that I have before considered and is easily answered; for the very fact of its being necessary that he should either abandon one domicil before he can acquire another, or acquire another before he can abandon the first, shows that the law considers him as incapable of having more than one. (See *Somerville* v. *Somerville*, 5 Ves. 791.) If the domicil is in a foreign country, our law, of course, cannot deal with it *quoad* property, except according to the law of such country, and, therefore, it is upon the question, whether it can deal with it or no that the fact of the domicil mainly turns.

A case may be supposed where a domicil of origin is totally abandoned, and sojourns made in a variety of places during the whole remainder of the party's life, and in such a case the point would rest between the domicil of birth or origin, and the circumstances attending the other different residences, and whether in the course of such wanderings any preference was shown to any particular place, such a residence being retained there, etc., and it would be difficult to say in such a case which would preponderate, although the domicil of birth would certainly be entitled to every possible degree of weight, and could not be displaced, except, first, by a sufficient residence in the other supposed locality sufficient to fix a domicil, and an express intention to return to it, although at an unknown and unfixed time. Possession of property, more particularly if it consists of houses or furniture, is always sufficient to preponderate, the true test, indeed, being, that wherever there is a manifest intention permanently to reside, there is the domicil. In the case of discursive movements from place to place, evidence is a most important portion of it, and the habits, turn of mind, and the intention of the person must be the guides in weighing such evidence; for where all is involved in such a degree of uncertainty, the slightest circumstance will be of consequence.

From all this it follows, that there is scarcely a case, be it ever so complicated, that cannot receive some kind of determination by the application of the general principles laid down upon this subject; and it must always be borne in mind that except in the case of domicil of birth or origin, where residence would be insufficient, the *animus* and the *factum* must be proved, that is the residence and intention to remain, without which no domicil can exist. Having said thus much as the result of the cases, let us examine the cases themselves. The case of Sir Charles Douglas (see *Ommany* v. *Bingham*, cited in a note to *Munroe* v. *Douglas*, 5 Madd. 379) is very strongly illustrative of this subject. In 1741, Sir Charles Douglas left Scotland (his native country), when only twelve years old, and entered the navy. When he attained the rank of captain, and not until then, did he return to Scotland, but left it again, married in Holland, where he had an establishment, and again came to Scotland for the purpose of introducing his wife to his friends and connections, and remained there about twelve months. He commanded in the Russian navy, and was then in the Dutch service, and when he visited Scotland it was only temporarily, meantime having a residence at Gosport, where his wife and family lived; and lastly, being appointed to the Halifax station, he came to Scotland and died there. During all this time he never had a house of his own in Scotland having made his will describing himself as of Gosport; and yet, upon the case being tried in Scotland, the Court of Session determined the domicil to be Scotch, merely upon the circumstances of the domicil of origin being Scotch, and his having died there; although he had expressed himself to a near relative as never meaning to settle there. There was no doubt that this decision was quite contrary to the present state of the law, whatever it might then have been, and accordingly we find that the case was appealed to the House of Lords, when their lordships reversed the decision of the Court below, and held that the domicil was English and not Scotch, upon the very obvious and rational ground that his home, where he had settled with his wife and family and where he really lived whilst on shore, was at Gosport. Moreover, he had actually lived in other countries, and therefore, having acquired the rights and liabilities of a subject there, unless he had actually acquired a domicil in England, any one of those might have been preferred to Scotland, his domicil of origin having been abandoned, unless he had totally lost all those, the distinction between abandoning and losing being very great; for although abandonment may result in loss, yet mere abandonment is not synonymous with loss, unless it is followed up by subsequent acquirement of domicil elsewhere. *Lord* v. *Colvin*, 7 Weekly Reporter, 230; *In Re James Muir deceased*, ibid. 361.

With reference to the subject of residence in various countries, the case of *Bempde* v. *Johnstone*, 3 Ves. 198, is important, the decision there was on the ground that here had been no acquirement of a fresh domicil, although

the habits of the party were very discursive; and the Lord Chancellor considered it as settled that where there were two equal domicils, (supposing that possible,) the domicil of birth or death must preponderate, and not the *lex loci rei sitæ*; and it was made a question by the Master of the Rolls in *Somerville* v. *Somerville*, 5 Ves. 760-1, which would prevail, and he seemed to think that the domicil of death would prevail, as you might suppose a case in which a person came from no one knew whither, but died in a particular country, so that at all events, that was certain. Now, no doubt, that rule would be a very convenient one, and might be adopted in case it could not be ascertained where the *forum originis* was; but I think the bearing of the law at present would be in favour of the domicil of origin, because the law absolutely recognizes the one, and does not *ipso facto* recognize the other, that is, it is silent on the subject. Whereas a man must have a domicil of origin, that is, he must have a domicil, whatever country he is born in, by birth merely, although not perhaps by reference to his parents; for, as was observed in the argument in the case last referred to (*vide* 5 Ves. p. 761), even if a man is born on board of a ship, he has a *forum originis* by reference to the country to which the ship belongs, for it either takes him to that country, or it has not taken him to any other. In *Bruce* v. *Bruce* (elsewhere referred to), intention was held not to prevail, but actual residence; and there, the party being by origin a Scotchman, gained a domicil in England and in India, or rather, had he ever abandoned one, would certainly by his acts have acquired another. The Court of Session there decided on the *lex loci rei sitæ*, but Lord Thurlow took the ground of domicil, and decided on that, though, as it was said, unwillingly. Where a person resides in different countries as a servant of Government, discharging duties of a temporary character, it has been thought to be the law of Europe that such employment does not change the domicil; whereas, if the duty is permanent, it has that effect; and this latter rule would probably apply to the case of any office where the retention depends upon the conduct of the person holding it, and is exercised in a fixed locality, or at all events, within the limits of the same country; whereas, it seems clear that an office or calling which compels residence in various countries, such as that of a soldier or a sailor on duty, does not either prevent a domicil being acquired in the ordinary way, or necessarily take away a domicil of origin, not being included strictly in the cases of necessary domicils. To illustrate this, it continually happens that a man holding a military or more usually naval commission forms a matrimonial connection in England, takes a house and sets up an establishment, and resides there, whenever he can obtain leave of absence, his wife constantly residing there, and yet, although he may himself actually reside for a lengthened period at a time in many different countries in succession, there can be no doubt that his domicil is English; and this, being so common a case, that most persons must have known many instances of it, is a fair test. (Denisart, Dictionaire, 2; letter D. p. 165.) In the case of half-pay, where leave of absence is constantly applied for, and obtained through a long course of years, the original domicil would remain, open, of course, to some circumstance, showing a decided probability that were the question tried the party would abandon the *forum originis*, and throw up the half-pay. The case of *Attorney-General* v. *Dunn*, 6 M. & W. 511, was a singular one. The original domicil was English; but the whole of the property being removed from this country, a foreign marquisate was purchased along with a chateau, which was put into a state of repair, the house being furnished, the grounds laid out, and an establishment of servants placed in it; but the improvements not being complete, the party had never actually resided there, but had lived in lodgings in various towns in the vicinity, or in some instances at some distance, although returning to it from time to time to inspect the progress of the works, and dying before the repairs and embellishments were completed. Under these circumstances, it was held that the domicil remained English, because the ingredient of residence in a permanent abode was wanting to complete the acquirement of a domicil. This was a very strong case, for it established the principle that it is not necessary to possess any property whatever in the country in which the domicil is retained. I have gone so fully into this part of my subject that I shall only refer to one or two more cases, because they embrace almost every principle upon which a decision can be come to. The first case I shall mention is that of *Somerville* v. *Somerville*, 5 Ves. 750, which was most elaborately argued, and is most fully reported, and considering that this kind of law was then comparatively in its infancy, I suppose no case could be found where so much is embraced in one view. The question related to the personal estate of the late Lord Somerville, the great mass of it being in England, and the family estate in Scotland, Lord Somerville having been extremely uncertain and various in his movements. He was born in Scotland, in June 1727, either at the family mansion, or a house occupied during the time it was repairing, but which was uncertain; he was at school at Dalkeith and Edinburgh, and afterwards in Gloucestershire. He was then sent to Westminster School, which he left at Christmas 1743. From thence he went to Caen in Normandy, where he remained until the year 1745, when the rebellion breaking out in Scotland he returned to that country at his father's request, joined the Royal Army, and was present at the battles of Culloden and Preston Pans; he remained with his regiment until 1763, when he returned to Scotland and had an annuity settled upon him by his father. He then went to the Continent, but his father being taken ill, he returned in 1765, and was present at his funeral, remaining in Scotland for some months afterwards. He then applied for the same apartments as his father was in the habit of occupying in Holyrood house, but such application failing of success, he went to London, where he usually passed the winter, coming to Somerville House in Scotland during the summer. In 1779, he took a lease for twenty-one years of a house in Henrietta-street, Cavendish-square, where he was assessed to and paid taxes, and being elected one of the sixteen peers attended the duties following upon such election. The two establishments were carried on in this manner, viz., In Scotland he kept up his full establishment, but in London two female servants only, when not resident, and brought servants with him when he came from Scotland; he lived, besides, in a very retired manner, seldom dined at home, and his establishment of servants was on board wages, and the house was not kept up upon a liberal scale; when sold, the furniture realized £140 only, and it appeared by the evidence that he himself considered Scotland as his home, and his house in London only as a temporary resting place. He died suddenly in 1796 in London intestate, leaving real estates in Scotland and in England, and a large sum of money in the English funds being described in the bank books as of Henrietta-street, Cavendish-square; and the question of domicil was, therefore, one of great moment.

(*To be continued.*)

Parliament and Legislation.

HOUSE OF LORDS.

Monday, April 22.

WILLS OF PERSONALTY BY BRITISH SUBJECTS BILL.

Lord KINGSDOWN, in moving the second reading of this Bill, explained at considerable length that the object of the

measure was to amend the present law respecting wills of British subjects abroad. The Bill proposed that any future will good with respect to real estate should also be good with respect to personal estate, be the domicil what it might.

The Lord Chancellor and Lord Cranworth supported the Bill.

Lord Wensleydale and Lord St. Leonards opposed.

Lord Kingsdown having briefly replied to the objections raised against the Bill,

The Bill was read a second time.

Tuesday, April 23.

Admiralty Court Jurisdiction Bill.

The Lord Chancellor stated that the House of Commons had agreed to this Bill, but had added a clause to give the Admiralty Court jurisdiction in reference to disputes which might arise between co-owners of ships, in order to prevent the necessity of an application to the Court of Chancery. He recommended their lordships to agree to the amendment adding words to confine its operation to disputes between co-owners.

The Commons' amendment thus restricted was then agreed to.

Lunacy Regulation Bill.

The Lord Chancellor moved the insertion of words requiring the Lord Chancellor to see a lunatic before deciding whether he should give his consent or not to a new trial.

The Bill was read a third time, and, as amended, passed.

Thursday, April 25.

Bankruptcy and Insolvency Bill.

The Lord Chancellor laid on the table the amendments he proposed to move in this Bill, and hoped Lord Chelmsford would also lay on the table his proposed amendments, so that their lordships might be better able to come to a decision on the motion to refer the Bill to a select committee. If the amendments extended beyond mere details to important clauses, he thought it would be highly objectionable to refer the Bill to a select committee.

Lord Chelmsford said that the amendments which he intended to propose were not confined entirely to details. He would lay them on the table as soon as possible, but he should not be able to do so before Monday or Tuesday next.

HOUSE OF COMMONS.

Friday, April 19.

Courts of Justice.

Mr. Cowper moved for leave to bring in a Bill to enable the Commissioners of her Majesty's Works to acquire a site for the erection of courts of justice and of various offices belonging to the same.

Leave granted, and the Bill brought in and read a first time.

Thursday, April 25.

Salmon Fisheries.

In reply to a question from Mr. Hopwood,

Sir G. Lewis stated that a Salmon Fisheries Bill for England and Wales was in course of preparation, and no time would be lost in producing it.

PENDING MEASURES OF LEGISLATION.

A Bill to Amend the Law with respect to Wills of Personal Estate made by British Subjects.

1. Every will and other testamentary instrument made out of the United Kingdom by a British subject (whatever may be the domicil of such person at the time of making the same or at the time of his or her death) shall as regards personal estate be held to be well executed, and shall be admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be made according to the forms required either by the law of the place where the same was made or by the law of the place where such person was domiciled when the same was made, or by the laws then in force in any part of the United Kingdom.

2 Every will and other testamentary instrument made within the United Kingdom by any British subject (whatever may be the domicil of such person at the time of making the same or at the time of his or her death) shall as regards personal estate be held to be well executed, and shall be admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be executed according to the forms required by the laws for the time being in force in that part of the United Kingdom where the same is made.

3. No will or other testamentary instrument shall be held to be revoked or to have become invalid by reason of any subsequent change of domicil of the person making the same.

4. Nothing in this Act contained shall invalidate or affect any will or other testamentary instrument as regards personal estate which would have been valid if this Act had not been passed, except as such will or other testamentary instrument may be revoked or altered by any subsequent will or testamentary instrument made valid by this Act.

5. This Act shall extend only to wills and other testamentary instruments made by persons who die after the passing of this Act.

Recent Decisions.

EQUITY.

Legacy to Executor.

Algermann v. *Ford*, M. R., 9 W. R. 512.

It was laid down in *Harrison* v. *Rowley*, 4 Ves. 212, that if a legacy is given to a man as executor, whether expressed to be for care and pains or not, he must, in order to entitle himself to the legacy, clothe himself with the character of executor. But it is sufficient if the executor has shown his intention to act, although he may not have proved the will; and therefore, in the above case, where an executor died before probate, shortly after the testatrix, he, having concurred with the other executors in directions for the funeral, and in paying some small sums on that occasion, was held entitled to a legacy given for his care and loss of time in the execution of the trusts of the will. Another case to the same effect was that of *Brydges* v. *Wotton*, 1 V. & B. 134, where a trustee, dying nineteen months after the testatrix, without having acted, was held entitled to a legacy given as a token of regard and a recompense for his trouble, no refusal or neglect to act, where necessary, appearing. It is to be observed that this was the case of a trustee, whose duty would not, like that of an executor, arise immediately upon the death of the testator. It is also to be observed that in both these cases the legacies were given expressly in recompense for trouble; but it is clear from *Reed* v. *Devaynes*, 2 Cox 285, that no such expression is necessary to create the obligation of proving or acting under the will. In that case the testator appointed executors of his will, "desiring them to accept £100 each as a mark of my gratitude for the friendship they have shown me." One of the executors claimed to be entitled to his legacy, although he declined to prove the will. The Court said that he must prove, and on his doing so, after the hearing of the cause, he was allowed his legacy.

In the case now before us a testator gave all his real and personal estate to A. and B., whom he appointed his executors and trustees, upon trust to pay his debts, &c., and also to pay to B. a legacy of £1,000 "for his own use and benefit," and to invest the residue upon trusts, one of which was to pay an annuity. The testator died in 1852, and his will was proved in 1853 by A. alone, B. having renounced probate, but not having disclaimed the trusts of the will. A large part of the estate was not got in until 1859, in which year B. retracted his renunciation, and probate was granted to him. This suit was commenced shortly afterwards for the administration of the estate against A. and B. The legacy of £1,000 had been allowed by the chief clerk to B., and the propriety of this allowance was now questioned. The Master of the Rolls said that B.'s right depended on whether he *bonâ fide* took on himself the duty of an executor. He noticed that the principal burden of administration had to be performed after B. proved the will. B. had been made a defendant and had duly accounted in the suit. In this state of circumstances his Honour could not take into account the greater or less time during which he had renounced. If he proved at any time before the real business of the trust was concluded, that was enough to entitle him to the legacy. This case goes rather further than *Reed* v. *Devaynes*, where the executor had declined to prove, but had not formally renounced. The Master of the Rolls gave interest only from the day on which B. took probate.

COMMON LAW.

Law of Copyright—How affected by 9 Ann. c. 19—Dramatising a Novel.

Reade v. *Conquest*, C. P., 9 W. R. 434.

There are, perhaps, not many topics connected with the law

so universally interesting as that of copyright. Almost every one has written or may write a book; or is, or hopes to be, the author of some design of art, in the beneficiary production of which he is desirous of protection, and of understanding the extent to which that protection is afforded him by law. It will, therefore, perhaps not be unacceptable to our readers if we attempt to give here some account (though necessarily succinct and imperfect) of the right of copyright as now existing in this country—a theme for which the present case of *Reade* v. *Conquest* supplies an apt text. "Copyright" is that right which an author possesses with respect to exclusively printing and re-printing, publishing and re-publishing, his own original work; and, to a certain extent, it has always doubtless existed as part of our legal system—copyright being, in fact, only a species of an *incorporeal chattel*, and, as such, forming part of that property in which rights can be claimed. Accordingly, in the discussion which arose in the great case of *Miller* v. *Taylor* (of which more will be said presently) it was taken as clear law that it formed part of this common law right (whatever its whole scope might be) that no person other than, and contrary to the will of, the author could publish for the first time an original manuscript. The case just referred to (which is the leading one among the earlier decisions upon this branch of the law) arose about fifty years after the passing of the statute 9 Ann. c. 19, before which Act (strange to say) the rights of authors as such had never been ascertained or otherwise interfered with by the Legislature; and one of the questions determined in *Miller* v. *Taylor*, and in the subsequent case of *Donaldson* v. *Beckett* (connected with it, and reported in the same volume of reports), was as to the effect of this Act of Queen Anne—whether it was declaratory or in abrogation of an author's rights; and whether an author now possesses any copyright independently of the protection afforded to him by that Act. In the first of these cases (*Miller* v. *Taylor*, 4 Burr. 2303) the Court of King's Bench determined that an author not only has a perpetual and exclusive right to publish for the first time the fruits of his own brain, but recognised to a certain extent the truth of the proposition contended for before them, that even with respect to a *published* work the author had a copyright therein, exclusive of the protection afforded by the statute of Anne. But in *Donaldson* v. *Beckett and Others* (4 Burr. 2408), which was in effect the same case as *Miller* v. *Taylor*, though in different names, this judgment was solemnly reversed in the House of Lords; who decided that the only basis on which any claim to copyright could rest since the date of that statute was, upon its enactments; and that, consequently, such copyright then, at all events, (whatever might have been the case prior to that Act) only protected an author's work for a limited period after its first publication.

Upon the foundation of this statute the right of copyright now stands,—as very recently again determined in the House of Lords in the case of *Jeffreys* v. *Boosey*, hereafter more particularly referred to. The statute of Anne, indeed, is not now itself in force, having been superseded by later enactments. The period of protection for fourteen years originally established by it, was afterwards (by 54 Geo. 3, c. 156) extended to twenty-eight years, or the term of life if the author survived that number of years. And by the Act on this subject now in force (5 & 6 Vict. c. 45) this protection is again enlarged, and is fixed to endure for the minimum term of forty-two years. But this period is susceptible of being in fact increased, as the Act provides that the copyright shall not, in any event, expire during the life of the author and for the term of seven years afterwards.

Since the statute of Anne a similar protection (known under the same name of copyright) has been also extended by the Legislature, to a variety of productions of genius which would not come under the term of "books," with which that Act alone dealt. Accordingly, exclusive privileges for a limited period, of the same description in general as those enjoyed by authors of books, are now given by statute with respect to *engravings, prints, sculptures, models, copies*, and *casts* (see 8 Geo. 2, c. 13; 7 Geo. 3, c. 38; 17 Geo. 3, c. 57; 38 Geo. 3, c. 71; and 54 Geo. 3, c. 56); and (by the Designs Acts of 1842, 1843, 1850, 1858, and the Protection of Inventions Act, 1851) to any *designs for articles, whether of ornament or utility*.

Protection in this country is also now afforded, under certain conditions, to literary and other productions, though first published in a foreign country, either by foreigners or British subjects. This subject of *international* copyright is now regulated by 7 & 8 Vict. c. 12, and 15 & 16 Vict. c. 12, which provide machinery for protecting books, prints, dramatic pieces, musical compositions, articles of sculpture, and other works of art first published abroad, from being pirated in this country—provided the foreign country where the first publication took place affords reciprocal protection to parties interested in works first published in this country.

A variety of points have arisen upon the Copyright Acts above referred to. Some of these are, comparatively speaking, unimportant as affecting only the manner in which those Acts are worked; and others, again, involve questions of principle, and are, consequently, of greater interest. Among this last class may be mentioned the cases of *Ollendorf* v. *Black* (20 L. J. Ch. 165) and *Jeffreys* v. *Boosey* (24 L. J. Exch. 81), which ascertain the law as to the acquisition by foreigners of copyright in this country; and establish that such can only be acquired by them with regard to works first published in this country, where the author is resident here at the time of publication. Another is the case of *Novello* v. *Sudlow* (12 C. B. 177), which shows that copyright may be violated even by a gratuitous distribution of the work of its author if unauthorised. And to these may be well added the present case, in which the Court of Common Pleas have, on the other hand, unanimously held that a copyright is not violated by an unauthorised *dramatising* and causing to be acted on the stage, a story written and published by another. For in order to establish the case of the author of the story and his right to an action against the dramatist, it would be necessary to reverse the decision of the House of Lords in *Donaldson* v. *Beckett* (as recently affirmed in *Jeffreys* v. *Boosey*); and to rely upon the existence of copyright independent of any statute, as thought to exist by the majority of the Queen's Bench in *Miller* v. *Taylor*. And the reason for this necessity is, that to dramatise a story is not a "publication" within the Copyright Acts (see *Coleman* v. *Walker*, 5 T. R. 249, and 5 & 6 Vict. c. 45, s. 2).

Finally, it may be observed that, from the current of the authorities already referred to, it seems fully established that the only *common law* right which authors now possess with reference to their works, is that a right of action attaches upon an invasion of their copyright (see *Beckford* v. *Hood*, 7 T. R. 620); and that a right of action also attaches if a work is pirated *before it is published* by its author: but after it has been once published, the work is only protected by virtue of the Copyright Acts, and subject to their provisions.

Correspondence.

LAW STUDENTS' DEBATING SOCIETY.

Sir,—It is not often that the members of the Law Students' Debating Society indulge in the luxury of a paper controversy. They are, as a rule, perfectly content with the somewhat barren honours which are always to be reaped under the roof of that noble institution where their debates have been carried on for upwards of a quarter of a century. If, therefore, through one of their officers, they now enter the lists, it is only because they feel that a charge publicly made should be as publicly met and refuted. We have always been so anxious to increase our numbers and extend the influence of our society, and are ever willing to strain a point for the admission of any one desirous of joining us, that we are naturally surprised that *any* "Limb of the Law" should taunt us with a want of liberality, and insinuate that we are "too exclusive" or "too arbitrary." It is clear, however, that "A Limb of the Law," in his "linked sweetness long drawn out," has not taken any pains to inform himself of the object of the rule in question, and of which he complains; but he is not the less entitled to the explanation which he asks.

When our society was first constituted, the Council of the Incorporated Law Society with great liberality not only offered us the use of one of their arbitration rooms, with the usual appurtenances—such as fire, gas, &c.—in which to hold our debates, but also allowed us access to their valuable library (upon which I am sorry to see that "A Limb of the Law" sets so little value), without which the other privileges would have been utterly useless. All that they asked in return for this was that no one should be entitled to enrol himself amongst our members who did not in some way, either directly or indirectly (*i. e.* by himself or his employer), contribute to the funds of the Incorporated Law Society. Was this unreasonable or exacting? What, then, is "the head and front of our offending"? That "A Limb of the Law" cannot obtain admittance to our society. I accept the compliment offered to us. But is there not a remedy? "No," says "A Limb of the Law;" for my master is not a member of the Incorporated Law Society; therefore I am not admissible to the library, and cannot qualify for the "Law Students' Debating Society." "I would not so insult him as to ask such a favour." And yet "he is well to do

and a highly respectable practitioner." Really, the latter phrase requires no comment, but, in my humble judgment, carries with it its own condemnation. But where's the "insult?" If it be an "insult" to ask a man to become a member of the Incorporated Law Society, might I not reasonably infer that it is a disgrace to belong to it? But why not subscribe to the lectures? "The advantages of attending lectures has been questioned," says "A Limb of the Law." Granted. But can he not use them as a means to an end? If the "consummation devoutly to be wished" is, in truth, an admittance to our society, will it be too dearly purchased by a subscription to one of three courses of the annual lectures for one year only. But he objects "to support one thing for the advantages to be derived from another." Is not this—to adopt a vulgar saying—very like "cutting off one's nose to be revenged on one's face"? In conclusion, if what I have said should fail to induce "A Limb of the Law" to make a desparate effort to obtain the wished-for goal, I shall be sorry, for he is evidently well armed for the fight, and must soon become a star of the first magnitude. It is far from our desire to "limit" our "sphere of action." On the contrary, we have room enough for all; but we do not go into the highways and "compel them to come in." Nor is it our wish or our intention to break faith with the Council of the Incorporated Law Society by a relaxation of the rule in question. Our members are volunteers, not pressmen. Should, however, "A Limb of the Law" come amongst us, I prophesy that the advantage he will derive will be so great that he will not long remain "A Limb of the Law" only, but will, with both limbs, at no distant period, "bestride the narrow world like a Colossus." He will find us neither "exclusive" nor "arbitrary." We shall all gladly welcome him—myself amongst the number; and not the less so because I have the honour to be, what I now subscribe myself,

The Treasurer of the Law Students' Debating Society.

14, Old Jewry-chambers, London, E.C.,
April 25, 1861.

In reply to your correspondent, "A Limb of the Law,"* I would recommend him to sacrifice his prejudices to the small extent of subscribing to the lectures at the Law Institution, in order to qualify him if he desires to join the Law Students' Debating Society. He will then be better able to judge the propriety of the rules and advocate any alteration that he may think desirable. It is impossible to make arrangements which will suit all opinions, and your correspondent will understand the difficulty of adopting every suggestion that may be made. The advantages of the Debating Society are intended to be confined to those connected with the Incorporated Law Society, from which many benefits are derived.

Geo. L. Wingate.

9, Copthall-court, E.C., 24th April.

Review.

The Province of Jurisprudence Determined. Second Edition. By the late John Austin, Esq., Barrister-at-Law. London: John Murray. 1861.

The life of John Austin offers peculiar difficulties to the student of character. He was gifted with extraordinary powers of mind, capable of mastering all the stores of classical and philosophical literature, and endowed with a retentive memory which yet was quite subsidiary to his critical judgment. Impelled by taste to investigate the most secret depths of the science of jurisprudence, and qualified in every sense to exercise that taste to the satisfaction of himself and to the great benefit of his fellow creatures, after giving to the world a few chapters introductory of his anticipated researches in the Province of Jurisprudence and suggestive of the rich veins of science to be there explored, he turned away from the brilliant prospect which he had just revealed to view, and ceased for ever from his labours at the moment when he appeared on the eve of most important discoveries. He beheld from a distance the riches of the promised land, which from some unaccountable reason he was destined never to enter. Mr. Austin published "The Province of Jurisprudence Determined" in 1832, and died in 1860, in the seventieth year of his age, not only without having made any further attempt to advance his favourite science, but having persistently refused to sanction a reprint of the work by which alone the world could become acquainted with his philosophy. The peculiarities of temperament which blighted the fruit of so great learning and genius are among the secrets of private life, and can be fully judged of only by his most intimate friends. The preface to the present edition, written in the most affectionate and reverent terms by his widow, though supplying many interesting particulars, serves rather as an apology than an explanation. The object of the writer is stated to have been "to show what were the circumstances by which he was forced out of the track on which he had entered, and in which his whole mind and soul were engaged; and why it was that he seemed to abandon the science to which he had devoted his singular powers with so much ardour and intensity."

Mr. Austin, it appears, disappointed the expectations of his legal friends, who confidently predicted for him the highest honours of his profession. His diffident and nervous temperament, combined with his scrupulous habit of thought, totally unfitted him for the rough and ready disputations and practice of the bar. This failure, however, caused him but little regret; for his faculties, though unsuited for business, were especially adapted to the study of his choice. In the chair of Jurisprudence at University College, he obtained a position congenial above all others to his peculiar tastes and talents; and how efficiently he filled the office his published course of lectures abundantly testify. He here fully estimated the value of being compelled by the requirements of his duty to reduce philosophical speculations to the test of clear and intelligible exposition. Another opening was subsequently afforded him as lecturer on jurisprudence at the Inner Temple. But the English school of jurisprudence proved to be a school only in name. The emoluments of its professors, dependent on the fees of the students, were inadequate to secure the required leisure of the professor; and poverty, it is alleged, in Mr. Austin's case compelled a retirement to the continent, and operated as an insuperable obstacle to the exercise of his peculiar talents and to the progress of his studies. "Slow rises worth by poverty depressed." The writer of that line, however, was an eminent instance of how surely, though slowly, worth can force its way through poverty, and how, where talents are invested with the pride of self-consciousness, poverty may operate more forcibly to animate than to hinder. The consciousness of weighty matter, and the feeling of its unsuitableness to a practical world, appear to have rather oppressed than animated Mr. Austin; and, if he did not abandon his chosen vocation in despair, he appears at least to have thought it useless to endeavour to assimilate his philosophy to the requirements of the world. Yet the fame of his teaching might have satisfied his ambition; the select band of pupils, comprising the names of Lord Clarendon, Mr. C. F. Villiers, Sir G. C. Lewis, and Lord Belper, might have animated his zeal; the rapid sale of the first edition of his work, and the earnest and repeated solicitations both from friends and strangers for a second, might have given fair promise of remuneration; and these circumstances combined might have shown that even as a teacher of jurisprudence he had some ground for hope. It is quite true, however, that the lectureships on jurisprudence in this country, which would exact the labour and thought of a life for their adequate fulfilment, are endowed in the same scale with the mere journeyman work of lectures on practical law, the materials of which are ready to every hand. Moreover, the absolute requirements of the profession create a demand for the latter, and ensure a support which the mere abstract love of science cannot be expected to equal. If it be really the case that Mr. Austin was diverted by the small emoluments of his office from exercising his noble faculties in that vocation for which he was so pre-eminently fitted, we are now suffering the irreparable consequences of an unworthy treatment of one of the most important branches of science.

The following passage from the preface offers, at least, a more adequate kind of explanation of Mr. Austin's abandonment of his researches in the province of jurisprudence:—"It was this very ardour and intensity, this entire absorption in his subject, which rendered it impossible to him to resume, at any given moment, trains of thought from which his mind had been forcibly diverted. It belonged to the nature of his mind to grapple with a question with difficulty, almost with reluctance. It seemed as if he had a sort of dread of the labour and tension to which, when it had once taken hold on him, it would inevitably subject him. . . . He could work out a subject requiring the utmost stretch of the human faculties, with a clearness and completeness that have rarely been equalled. But he had no mental agility. When he gave himself up to an inquiry, it mastered him like an overwhelming passion. And for the same reason, when his mind had once

* See *ante*, p. 438.

loosened its grasp of a subject, it could with difficulty recover its hold." Mr. Austin appears to have possessed powers of concentration in a high degree, but to have found great difficulty and reluctance in their exercise. May this not have arisen in some measure from the want of sufficiently definite material to employ them upon? The practical side of his mind seems to have been deficient in many respects. The world, as he found it, seems to have been thought unworthy of the application of his philosophy. If he had dispensed his speculations more abundantly, it is probable, from the style of the example before us, that it would have required a long intermediate process to assimilate it to the public digestion. Doubtless, the prophet must occasionally retire into the wilderness to foster the germs of inspiration; but he must keep alive his connection and sympathy with men of worldly minds, in order to convey to them his revelations in an intelligible and profitable manner. If we agree with Mrs. Austin, that "there was no one to do the work he could have done, as an expounder of the philosophy of law," we the more fully concur with the regret expressed by Guizot, "Quel dommage qu'il n'ait pas su employer tout ce qu'il avait, et montrer tout ce qu'il valait!"

The present volume, besides the interesting preface by Mrs. Austin, alluded to above, contains what has been so long desired by all lovers of legal philosophy, and which the author's death has alone at length rendered possible, a reprint of "The Province of Jurisprudence Determined," comprising the preliminary lectures delived at University College, together with the outline of a course extending over the whole of jurisprudence, of which the lectures published form the first item. There remain unprinted, of Mr. Austin's labours, the rest of the lectures at University College, the short course delivered at the Inner Temple, and some other fragments relating to jurisprudence; these are promised in, as nearly as possible, the same state in which their author left them, in a succeeding volume.

In studying Mr. Austin's philosophy of law, it should now be remembered that he wrote at a time when the doctrines of Bentham were in the highest favour, and may be said to have become the current philosophy of the day. At least, the feeling of antagonism to that system, though widely spread, was not prepared with any definite scheme to oppose it. Mr. Austin was the first occupant of the chair of jurisprudence in an institution avowedly designed to extend the Benthamite spirit of thought throughout all branches of philosophy. Mr. Austin was animated with a fervent zeal in the cause, and enforced the principles of the school with a strictness, and carried them to an extent, which even the master himself does not seem to have contemplated. Mr. Austin, therefore, appears as an eminently scholastic teacher, with little tolerance for the variances of rival theorists. His style of writing rather betokens the expectancy of opposition, and is calculated to defy it. His positions are laid down with every defensive precaution, and within their limits appear unassailable. But their very limitations are, in one sense, their defect, as leaving unexplored a vast territory filled with questions of the deepest interest, and from which speculation cannot be excluded. His views are bounded by the horizon of human vision, in the sense of an exclusion for all practical application of everything beyond, and his edifice is restricted to foundations based on experiences which are too palpable to be denied.

It may prove interesting to recall to mind the leading doctrines of Mr. Austin's philosophy. *Superiority* signifies *might*, the power of affecting *inferiors* with evil or pain, and of forcing them, through fear of that evil, to obey the commands of the superior. God is emphatically the superior of man, because His power of affecting with pain, and forcing a compliance with His will, is unbounded and resistless. A command which obliges through fear of the evil is a *law*; the evil is the *sanction*. Bentham had extended the term sanction to conditional good as well as to conditional evil, to reward as well as to punishment; but in this it seems he is too indulgent to human weakness; and Mr. Austin, notwithstanding his habitual veneration for Bentham, finds this extension of the term "pregnant with confusion and perplexity." The only laws, strictly so called, that is to say, which satisfy the above definition, are the laws of God, and some human laws; all other applications of the term law are improper, analogical, or metaphorical.

Of the divine laws some are *revealed*; the *word* of God, signified, through the medium of language uttered by God, directly or by servants sent by Him to announce them. Others of the Divine laws are unrevealed. The *index* of the Divine laws which are not the subject of revelation, has been explained according to various theories, which may be referred to two general sources; the one based on a *moral sense*, *practical reason*, *common sense*, &c., according to the various ways of expressing it; the other, the theory of the *greatest* human *utility* or *happiness*. A principal object of Mr. Austin's work is to denounce the former set of theories, and to uphold the latter. According to him the benevolence of God, combined with the principles of general utility, is our only index to His unrevealed law. God in His benevolence designs the happiness of his creatures, and, accordingly, enjoins or forbids actions according to their tendencies. Man, by his judgment concerning the tendencies of his actions, discerns the commands of God.

It remains to ascertain the test or index of human laws. One of the essentials imported in a command, and therefore in a law is that it flows from a *certain determinate* source, either a single rational being or a determinate body of rational beings. Laws deficient in this essential are so called improperly and by analogy only. Mr. Austin considers that the laws of God as explained above sufficiently satisfy this requirement. Human laws, on the other hand, are tested and distinguished according to the sources from which they spring; and therefore it becomes necessary to analyse these sources with precision. This may be called the second principal object of Mr. Austin's work. He expounds at great length, and with much elaboration of detail, the distinguishing marks of *sovereignty* and *independent political society*. The essential character of a positive law, strictly so called, is that it is a command emanating from the sovereignty to members of the independent political society wherein its author is supreme. Positive laws satisfying this condition constitute the *province of jurisprudence*, and the final object of the work—to determine this province—is thus accomplished. Laws so called improperly, in consequence of analogies or likenesses more or less striking to laws properly so called, do not satisfy strictly the above requirements, and are mentioned and explained for the purpose of distinction. They comprise laws set by indeterminate bodies and laws with imperfect sanctions—as the moral law, the law of general opinion, the laws of honour and of fashion. The science of jurisprudence is concerned with positive laws without regard to their goodness or badness; and the divine law and positive law are not otherwise connected than inasmuch as the former is the standard to which the latter ought to conform in respect of quality.

The above sketch gives but a faint idea of Mr. Austin's work, in the course of which he undertakes to analyse and denote by their essential differences all the practical meanings which pass under the name of law. This he accomplishes with much exactness of observation and accuracy of language; and if occasionally unusual he is always clear and unmistakeable. He examines with painful minuteness the external conditions of laws by which they manifest themselves to our experience, and thus attains an empiric generalisation of laws into classes of marked characteristics. He does not pass beyond this into the region of theory, or attempt an induction from the results thus collected of any *à priori* necessary principles; and, indeed, the impression left by a perusal of his work is rather that he considers any attempts of the kind to be vain and useless. The province of jurisprudence is determined, and determined by definite landmarks; but into the creative source of jurisprudence and the original development and settlement of its province we are not invited to inquire.

Yet on reviewing his work we cannot fail to be struck with some very strong assumptions of a strictly *à priori* character, assumptions quite as arbitrary as the much abused moral sense or practical reason. The Divine laws, we have seen, are tested by their material results—they are the dictates of utility; while human laws are tested by their source—they are the command of the determinate body which satisfies the conditions of political sovereignty, and are attended by the material sanctions of legal compulsion. Of the former we have no empirical test in respect of their source, or of their sanction. Indeed, Mr. Austin's doctrines of divine law, though under the guise of fact, or at least of assertion, are matters of pure theory. Thus, it is matter of theory that the source of divine commands is certain and determinate; that the Creator wishes and designs the utility and happiness of His creatures in this world; that human experience of the tendencies of actions is the index of His commands, and that He affects these commands with a sanction of threatened evil. This theory, judged by Mr. Austin's principles of adhering strictly to the indications of fact, stands out as mere assumption, and one of the boldest kind. The only matter of fact upon which it rests is that men can test the useful or pernicious tendencies of their actions by experience; and if Mr. Austin had left the principle of utility to stand on its own basis of human experience, he would have

been more consistent, perhaps at the risk of being mistaken or opposed by the general sentiments respecting religion. To say that human experience discovers the laws of God is equivalent, in the absence of some *à priori* explanation, to saying that man imposes these laws, and the additional conception of God as a test of the law, is therefore useless. Mr. Austin's doctrine of the sanctions of Divine law, in particular, is carefully abstracted from all basis of experience. Bentham found a *physical* or *natural* sanction for the dictates of general utility in the actual consequences which certainly followed a deviation from them. These consequences, according to Mr. Austin, follow as mere natural effects, and are not suffered as the consequences of not complying with the desires of an intelligent rational being; therefore, they do not satisfy his criterion of a law proper, and can be called sanctions only in a metaphorical sense. Hence Mr. Austin's doctrine of a Divine sanction or threatened evil is a matter of pure faith; and when he states that the Divine law and the human civil law equally satisfy his definition of a law proper, the term sanction, as annexed to the former, points to something very different in kind from the palpable fine, imprisonment, and compulsion which attends upon infringements of the latter. Again, the part of the theory which assumes that the design of the Creator is directed to the ultimate happiness of mankind in this world is far from being generally conceded; some of the greatest philosophers of ancient and modern times have felt so little satisfied that the present order of things can designedly or possibly tend ultimately to human happiness, that they have felt that the hopeless prospect of reconciling the incongruities of fortune in this life constituted one of the strongest arguments of a future state of ultimate perfectibility, which must be taken into account combinedly with, if not independently of, the present state.

The following passage may be quoted as a specimen of Mr. Austin's views on the points here referred to:—"The divine laws may be styled good in the sense with which the atheist may apply the epithet to human. We may style them good or worthy of praise inasmuch as they agree with utility considered as an ultimate test. And this is the only meaning with which we can apply the epithet to the laws of God. Unless we refer them to utility considered as an ultimate test, we have no test by which we can try them. If the laws set by the Deity were not generally useful, or if they did not promote the general happiness of His creatures, or if their great author were not wise and benevolent, they would not be good or worthy of praise, but were devilish and worthy of execration."

Mr. Austin's style of composition, though laboured with the utmost care and circumspection with the view of guarding the matter from all risk of ambiguity, is, as is well known, studiously negligent of any arrangement or grace which might facilitate its reception by the reader. The nature of his task—that of analysing and dissevering the minute shades of distinction which lie concealed in popular language—is, to a great extent, a justification; but his style or manner of writing, and perhaps of thinking, appears to have become habitual, and to have been carried beyond what was necessary to serve the purposes of accuracy. The usual modes of abbreviating discourse by the use of pronouns, conjunctions, and adverbs, and by elliptical expressions, are sedulously avoided; and long repetitions and periphrases are employed instead. The reader is never credited with the capacity of observing the most obvious differences, conducting the simplest train of thought, or carrying on the argument a single step. The plainest distinctions are carefully explained, and every new position is approached by a full and guarded review of all the preliminary steps.

Mr. Austin's tone towards dissentients from his opinions is calculated to afford yet more serious ground of offence. Those whose views do not coincide with his on certain points belong to the family of "Noodle," and are members of "the formidable confederacy of fools." Montesquieu's exposition of law as an universal conception, is pronounced "incomparably more obscure than the term which it affects to expound." Hooker's sublime opening chapter on law is disposed of as "fustian." It really seems to us, however, just as philosophical to adopt, as these great writers have done, *uniformity of action* as the essential characteristic of law, and to consider moral and political laws as metaphorical uses of the term, by reason of the mere tendency to uniformity through the imperfection of human obedience, as to consider, with Mr. Austin, the latter the strict use of the term, and the former as the metaphor, upon precisely the same ground of resemblance in uniformity. The term law is certainly used in both senses, and perhaps sometimes not without the latent idea that the two senses may ultimately coincide; but in the meanwhile, even "noodle" comprehends the distinction, and no elaborate disquisition is necessary to explain it. The objections raised to the definitions of sovereignty given by Grotius and by Bentham may be pointed to as another instance of this spirit in the author. Bentham defines sovereignty by the habitual obedience of subjects; Grotius, by the independence of superior command. Mr. Austin avails himself of the two elements in combination to form a complete definition, but objects to each on account of its onesidedness. When we remember, however, that Bentham treated of the relations between sovereigns and subjects, and Grotius of the relations between different independent sovereignties, we find that each defines the conception accurately and sufficiently in respect of the quality for which he employed it, properly rejecting the other qualities by which it might be distinguished as superfluous for the occasion. Mr. Austin's objection, therefore, seems captious; and it certainly is not worthy of a philosopher to draw unnecessary distinctions, or to quibble about mere words, where the sense is not at stake.

While we have ventured to point out a few questionable points in Mr. Austin's doctrine and in the manner and spirit of his writing, we wish to pay a full tribute of acknowledgment to the substantial merits of his work. It is a very important step in the philosophy of law. Here are laid out with the most critical accuracy of description all the materials and facts, so to speak, of which the province of jurisprudence is composed. Their external form and condition are presented to view with a plainness which cannot be mistaken, and a reality which cannot be denied. Sovereignty is the test of positive law, and a most complete and interesting analysis of sovereignty is given. Whoever seeks to establish a theory of jurisprudence must first become thoroughly acquainted with the facts thus presented to his observation; he must build within the limits of this foundation: and his theory must adequately account for all the phenomena here presented, or it must be rejected as inadmissible.

LONDON AND PROVINCIAL LAW ASSURANCE SOCIETY.

The annual general meeting of this society was held on Saturday, the 20th instant, Mr. Hope Scott, Q.C., in the chair. The report of the directors to the Annual General Meeting stated that during the year 1860, 179 policies were issued, assuring the sum of £220,640—the premiums upon which amounted to £8,296 2*s.* 10*d.* Nine of these policies, assuring £27,200, were effected against special contingencies, by payment of single premiums amounting to £2,132 17*s.* 6*d.* The remaining policies represented a new annual premium income of upwards of £6,000, which exceeded that of any former year. The average amount of the new policies exceeded £1,200, proving the high class of business transacted by the society. The claims paid during the past year were twelve in number, amounting, inclusive of bonuses, to £16,828, of which upwards of £5,000 had accrued during the year 1859. Against these claims was to be set off a sum of £750 received under a re-assurance policy. The society's income during the past year exceeded £47,000, and the assets had been augmented by a sum of very nearly £19,000.

The report was unanimously adopted.

The directors and auditors retiring by rotation having been re-elected, the meeting was made "extraordinary" for the purpose of declaring a bonus for the year 1860.

The report of the directors prepared for the Extraordinary General Meeting stated that the first division of profits embraced a period of ten years; the present was in respect of five years only; and the future divisions would also be quinquennial. The new premiums received during the last five years had amounted to £26,138 14*s.* 11*d.*, being at the rate of £5,227 15*s.* per annum. The total new premiums in the previous ten years amounted to £29,191 7*s.* 10*d.*, being at the rate of £2,919 2*s.* 10*d.* per annum. The renewal premiums amounted in the five years to £120,662 5*s.* 6*d.* The claims paid on policies had amounted altogether to £74,401 11*s.* 3*d.*, of which the sum of £53,534 14*s.* was paid during the past five years. The total number of policies issued from the foundation of the society to the 31st December last, was 1,667, assuring £1,675,276 16*s.* 10*d.*, at annual premiums amounting altogether to £50,269 17*s.* 1*d.* The policies remaining in force were 1,094, assuring £1,158,030 15*s.* 8*d.*, and contingent annuities for £905 per annum. The annuity business of the society had been profitable, though not very extensive. Of twenty-five annuities, amounting altogether to £1,480 9*s.* 8*d.*, eleven for £584 0*s.* 11*d.* had fallen in, leaving in force fourteen annuities, amounting to £896 8*s.* 9*d.* The

investments of the society produce an average rate of interest of £4 10*s.* 4*d.* per cent. The balance sheet annexed to the report showed that the total assets amounted to £237,300 7*s.* 7*d.*; that the Proprietors' Fund amounted to £67,003 3*s.* 7*d.*; that the present value of liabilities under policies and annuity contracts was £121,881 19*s.* The total amount of profits then divisible was £42,785 5*s.* 10*d.* Of this last sum, according to the provisions of the deed of settlement, one-fifth, or £8,557 1*s.* 2*d.*, would be added to the Proprietors' Fund, which would be increased thereby to £75,560 4*s.* 9*d.* This was equivalent to an addition of 9*s.* 4*d.* per share, which would make the amount considered as paid up in respect of each share £4 1*s.* 10*d.* During the last five years the proprietors have received 3*s.* per share in each year—being 7½ per cent. on their original paid up capital of £2 per share. The annual dividend during the next five years, arising from the interest of the Proprietors' Fund, would be at the rate of 3*s.* 8*d.* per share—or 9 per cent. upon the original paid up capital. The remaining four-fifths of the divisible surplus, being the sum of £34,228 4*s.* 8*d.*, belong to the assured, and, according to the provisions of the deed of settlement, would be added in the form of equivalent reversionary bonuses to the policies entitled to participate in profits. The total amount of the reversionary bonuses would be about £55,000, equivalent on an average to 52 per cent. on the premiums paid upon the participating policies during the quinquennial period. The reversionary bonuses might be commuted for an equivalent present cash payment, or for a reduction of the future premiums. The directors also offer to the assured the option of the extinction of all premiums at some future age, which it was hoped would be agreeable to many of the assured.

This report was unanimously adopted.

Votes of thanks to the board of directors and to the chairman having been passed, the proceedings of the meeting terminated.

CONCENTRATION OF COURTS OF JUSTICE.

With reference to the plan of the Attorney-General, for concentrating all the courts of justice—Law, Equity, Divorce, Probate, and others—in one place, the *Observer* of the 14th instant remarks that our building operations have never attained much success. The old courts of law, the Houses of Parliament, the British Museum, the National Gallery, the Post Office, and other buildings that could be named, have not been found very appropriate or adequate for the purposes for which they were intended. There is some danger that Sir Richard Bethell may be constrained to propose a plan of an inferior or less costly description, if he be not reinforced by public opinion, and by the warm support of the more intelligent members of the House of Commons. It will not do to erect a building simply to last our time, and to encumber the earth afterwards. As the funds of the court are to be burthened—at least in the first instance—with the payment, our posterity should have the advantage as well as the cost of the erection. In the present state of our judicial arrangements we have no great facilities for instruction in legal science. The basis of our operations, and the operations themselves, of our municipal code, are dependent more than is supposed upon a knowledge of the law of nature, the law of nations, and constitutional law—the law civil and the law general affect all other branches of the law of modern constructions in all its phases and relations. Some time ago a paper was read before the Law Amendment Society, propounding a scheme for a Law University of a very practical kind, and making reasonable propositions of compromise to meet the claims and jealousies, the pride and prejudice, of existing institutions. It was shown that a comprehensive legal education was necessary, not for lawyers only, but for all classes of statesmen, magistrates, officers abroad and at home, in foreign countries and in the colonies, and how a proper knowledge might often have saved us from many difficulties and escapades into which we have been brought by the too common ignorance of our *employés*. It is not too much to ask that in the proposed architectural arrangements a corner may be found for the use of professors and of those employed in the teaching of the law. The plan of incorporating the Inns of Court and the Law Society into a Legal University is worthy of consideration. There are abundance of funds applicable to such a purpose, and a large amount of property wasted on personal objects in a manner not unworthy of the London Corporation itself. The Inns of Court have vast libraries that might be made available, and halls that could be turned to some better account than discussing the usual number of dinners and the legal modicum of port wine. A general library, comprising a comprehensive and systematic collection of law books, would assist in establishing the materials and basis of a general consolidation of the law, and in the mean time form a good substitute for a want that is so generally felt. Such a concentration would also tend to bring together the men practising in the different courts, who now seldom meet on common ground, for the courts and offices are spread all over the town, and the authority of Westminster Hall is narrowed within bounds quite incommensurate with the demands of modern times. The system of meeting at dinner in so many various halls is sadly at variance with the usages and conveniences of modern times. It is good so far as it goes, but it does not go the length of concentrating or of instructing. The men who govern, and who administer justice, should be something more than nisi prius lawyers, pleaders, or conveyancers. These considerations ought to have some weight in the proposed arrangements, as well as the more obvious and practical necessity of bringing all the offices connected with the practice of the law round a central locality. The great increase of business, and the crowded state of the streets, render such a concentration necessary, to say nothing of the chances of improving the architectural beauty of the great metropolis, and pulling down the unsightly obstruction of Temple Bar. Sir Richard Bethell has added much to his fame as a statesman and jurist by his efforts to procure the fusion of law and equity, and he will do much to regenerate both by bringing them together in a noble pile of buildings, constructed for moral as well as material effect. The several failures already made in modern London architecture forbid us to be too sanguine. But if a site sufficiently capacious can be cleared between Fleet-street and Lincoln's Inn, and the enterprise entrusted to able and intelligent hands, we do not despair of seeing a series of unique and convenient buildings, that will be an ornament to the locality, and a great convenience to the practitioners and the public. If, in addition to these obvious advantages, a provision can be made hereafter for a higher class of legal and general education, a still nobler and more lasting result will be accomplished in a manner the most natural and just.

Public Companies.

BILLS IN PARLIAMENT

For the Formation of New Lines of Railway in England and Wales.

The following Railway Bills have passed through committee in the House of Commons:—

Keadley Extension.
Mold and Denbigh Junction.
Rhyl Harbour Bridge and Railway.
Vale of Clwyd.

The following Bill has passed through committee in the House of Lords:—

Rumney Railway.

The preamble of the following Bill has been proved in committee in the House of Commons:—

Oswestry, Ellesmere, and Whitchurch.

Testimonial to Mr. Edward Burkitt.—We have always felt a very great pleasure in announcing any honour conferred upon, or testimonial presented to, any member of the profession; and we would take this opportunity of requesting the favour of communications from our readers, of any particulars respecting such an interesting subject. A short time since the markets committee of the corporation of London presented to Mr. Edward Burkitt, of Curriers' Hall, solicitor, their late chairman, a very elegant French dining-room clock, striking the hours and half hours, with escapement in front. The clock is set in a black marble case, inlaid with malachite, which bears the following inscription:—"Presented to Edward Burkitt, Esq., by the Markets Committee of the Corporation of London, as a mark of their respect and esteem for the able and judicious manner in which he performed the duties of chairman of that committee, the zeal and ability, the firmness and impartiality he displayed in conducting the business, and his kind, courteous, and friendly demeanour upon all occasions."

The Right Hon. Sir George Grey, Bart., M.P., Chancellor of the Duchy of Lancaster, with the approval of her Majesty, has been pleased to appoint Henry Wyndham West, Esq., to the important and responsible office of Attorney-General of

been more consistent, perhaps at the risk of being mistaken or opposed by the general sentiments respecting religion. To say that human experience discovers the laws of God is equivalent, in the absence of some *à priori* explanation, to saying that man imposes these laws, and the additional conception of God as a test of the law, is therefore useless. Mr. Austin's doctrine of the sanctions of Divine law, in particular, is carefully abstracted from all basis of experience. Bentham found a *physical* or *natural* sanction for the dictates of general utility in the actual consequences which certainly followed a deviation from them. These consequences, according to Mr. Austin, follow as mere natural effects, and are not suffered as the consequences of not complying with the desires of an intelligent rational being; therefore, they do not satisfy his criterion of a law proper, and can be called sanctions only in a metaphorical sense. Hence Mr. Austin's doctrine of a Divine sanction or threatened evil is a matter of pure faith; and when he states that the Divine law and the human civil law equally satisfy his definition of a law proper, the term sanction, as annexed to the former, points to something very different in kind from the palpable fine, imprisonment, and compulsion which attends upon infringements of the latter. Again, the part of the theory which assumes that the design of the Creator is directed to the ultimate happiness of mankind in this world is far from being generally conceded; some of the greatest philosophers of ancient and modern times have felt so little satisfied that the present order of things can designedly or possibly tend ultimately to human happiness, that they have felt that the hopeless prospect of reconciling the incongruities of fortune in this life constituted one of the strongest arguments of a future state of ultimate perfectibility, which must be taken into account combinedly with, if not independently of, the present state.

The following passage may be quoted as a specimen of Mr. Austin's views on the points here referred to:—"The divine laws may be styled good in the sense with which the atheist may apply the epithet to human. We may style them good or worthy of praise inasmuch as they agree with utility considered as an ultimate test. And this is the only meaning with which we can apply the epithet to the laws of God. Unless we refer them to utility considered as an ultimate test, we have no test by which we can try them. If the laws set by the Deity were not generally useful, or if they did not promote the general happiness of His creatures, or if their great author were not wise and benevolent, they would not be good or worthy of praise, but were devilish and worthy of execration."

Mr. Austin's style of composition, though laboured with the utmost care and circumspection with the view of guarding the matter from all risk of ambiguity, is, as is well known, studiously negligent of any arrangement or grace which might facilitate its reception by the reader. The nature of his task—that of analysing and dissevering the minute shades of distinction which lie concealed in popular language—is, to a great extent, a justification; but his style or manner of writing, and perhaps of thinking, appears to have become habitual, and to have been carried beyond what was necessary to serve the purposes of accuracy. The usual modes of abbreviating discourse by the use of pronouns, conjunctions, and adverbs, and by elliptical expressions, are sedulously avoided; and long repetitions and periphrases are employed instead. The reader is never credited with the capacity of observing the most obvious differences, conducting the simplest train of thought, or carrying on the argument a single step. The plainest distinctions are carefully explained, and every new position is approached by a full and guarded review of all the preliminary steps.

Mr. Austin's tone towards dissentients from his opinions is calculated to afford yet more serious ground of offence. Those whose views do not coincide with his on certain points belong to the family of "Noodle," and are members of "the formidable confederacy of fools." Montesquieu's exposition of law as an universal conception, is pronounced "incomparably more obscure than the term which it affects to expound." Hooker's sublime opening chapter on law is disposed of as "fustian." It really seems to us, however, just as philosophical to adopt, as these great writers have done, *uniformity of action* as the essential characteristic of law, and to consider moral and political laws as metaphorical uses of the term, by reason of the mere tendency to uniformity through the imperfection of human obedience, as to consider, with Mr. Austin, the latter the strict use of the term, and the former as the metaphor, upon precisely the same ground of resemblance in uniformity. The term law is certainly used in both senses, and perhaps sometimes not without the latent idea that the two senses may ultimately coincide; but in the meanwhile, even "noodle" comprehends the distinction, and no elaborate disquisition is necessary to explain it. The objections raised to the definitions of sovereignty given by Grotius and by Bentham may be pointed to as another instance of this spirit in the author. Bentham defines sovereignty by the habitual obedience of subjects; Grotius, by the independence of superior command. Mr. Austin avails himself of the two elements in combination to form a complete definition, but objects to each on account of its onesidedness. When we remember, however, that Bentham treated of the relations between sovereigns and subjects, and Grotius of the relations between different independent sovereignties, we find that each defines the conception accurately and sufficiently in respect of the quality for which he employed it, properly rejecting the other qualities by which it might be distinguished as superfluous for the occasion. Mr. Austin's objection, therefore, seems captious; and it certainly is not worthy of a philosopher to draw unnecessary distinctions, or to quibble about mere words, where the sense is not at stake.

While we have ventured to point out a few questionable points in Mr. Austin's doctrine and in the manner and spirit of his writing, we wish to pay a full tribute of acknowledgment to the substantial merits of his work. It is a very important step in the philosophy of law. Here are laid out with the most critical accuracy of description all the materials and facts, so to speak, of which the province of jurisprudence is composed. Their external form and condition are presented to view with a plainness which cannot be mistaken, and a reality which cannot be denied. Sovereignty is the test of positive law, and a most complete and interesting analysis of sovereignty is given. Whoever seeks to establish a theory of jurisprudence must first become thoroughly acquainted with the facts thus presented to his observation; he must build within the limits of this foundation: and his theory must adequately account for all the phenomena here presented, or it must be rejected as inadmissible.

LONDON AND PROVINCIAL LAW ASSURANCE SOCIETY.

The annual general meeting of this society was held on Saturday, the 20th instant, Mr. Hope Scott, Q.C., in the chair. The report of the directors to the Annual General Meeting stated that during the year 1860, 179 policies were issued, assuring the sum of £220,640—the premiums upon which amounted to £8,296 2*s.* 10*d.* Nine of these policies, assuring £27,200, were effected against special contingencies, by payment of single premiums amounting to £2,132 17*s.* 6*d.* The remaining policies represented a new annual premium income of upwards of £6,000, which exceeded that of any former year. The average amount of the new policies exceeded £1,200, proving the high class of business transacted by the society. The claims paid during the past year were twelve in number, amounting, inclusive of bonuses, to £16,828, of which upwards of £5,000 had accrued during the year 1859. Against these claims was to be set off a sum of £750 received under a re-assurance policy. The society's income during the past year exceeded £47,000, and the assets had been augmented by a sum of very nearly £19,000.

The report was unanimously adopted.

The directors and auditors retiring by rotation having been re-elected, the meeting was made "extraordinary" for the purpose of declaring a bonus for the year 1860.

The report of the directors prepared for the Extraordinary General Meeting stated that the first division of profits embraced a period of ten years; the present was in respect of five years only; and the future divisions would also be quinquennial. The new premiums received during the last five years had amounted to £26,138 14*s.* 11*d.*, being at the rate of £5,227 15*s.* per annum. The total new premiums in the previous ten years amounted to £29,191 7*s.* 10*d.*, being at the rate of £2,919 2*s.* 10*d.* per annum. The renewal premiums amounted in the five years to £120,662 5*s.* 6*d.* The claims paid on policies had amounted altogether to £74,401 11*s.* 3*d.*, of which the sum of £53,534 14*s.* was paid during the past five years. The total number of policies issued from the foundation of the society to the 31st December last, was 1,667, assuring £1,675,276 16*s.* 10*d.*, at annual premiums amounting altogether to £50,269 17*s.* 1*d.* The policies remaining in force were 1,094, assuring £1,158,030 15*s.* 8*d.*, and contingent annuities for £905 per annum. The annuity business of the society had been profitable, though not very extensive. Of twenty-five annuities, amounting altogether to £1,480 9*s.* 8*d.*, eleven for £584 0*s.* 11*d.* had fallen in, leaving in force fourteen annuities, amounting to £896 8*s.* 9*d.* The

investments of the society produce an average rate of interest of £4 10s. 4d. per cent. The balance sheet annexed to the report showed that the total assets amounted to £237,300 7s. 7d.; that the Proprietors' Fund amounted to £67,003 3s. 7d.; that the present value of liabilities under policies and annuity contracts was £121,881 19s. The total amount of profits then divisible was £42,785 5s. 10d. Of this last sum, according to the provisions of the deed of settlement, one-fifth, or £8,557 1s. 2d., would be added to the Proprietors' Fund, which would be increased thereby to £75,560 4s. 9d. This was equivalent to an addition of 9s. 4d. per share, which would make the amount considered as paid up in respect of each share £4 1s. 10d. During the last five years the proprietors have received 3s. per share in each year—being 7½ per cent. on their original paid up capital of £2 per share. The annual dividend during the next five years, arising from the interest of the Proprietors' Fund, would be at the rate of 3s. 8d. per share—or 9 per cent. upon the original paid up capital. The remaining four-fifths of the divisible surplus, being the sum of £34,228 4s. 8d., belong to the assured, and, according to the provisions of the deed of settlement, would be added in the form of equivalent reversionary bonuses to the policies entitled to participate in profits. The total amount of the reversionary bonuses would be about £55,000, equivalent on an average to 52 per cent. on the premiums paid upon the participating policies during the quinquennial period. The reversionary bonuses might be commuted for an equivalent present cash payment, or for a reduction of the future premiums. The directors also offer to the assured the option of the extinction of all premiums at some future age, which it was hoped would be agreeable to many of the assured.

This report was unanimously adopted.

Votes of thanks to the board of directors and to the chairman having been passed, the proceedings of the meeting terminated.

CONCENTRATION OF COURTS OF JUSTICE.

With reference to the plan of the Attorney-General, for concentrating all the courts of justice—Law, Equity, Divorce, Probate, and others—in one place, the *Observer* of the 14th instant remarks that our building operations have never attained much success. The old courts of law, the Houses of Parliament, the British Museum, the National Gallery, the Post Office, and other buildings that could be named, have not been found very appropriate or adequate for the purposes for which they were intended. There is some danger that Sir Richard Bethell may be constrained to propose a plan of an inferior or less costly description, if he be not reinforced by public opinion, and by the warm support of the more intelligent members of the House of Commons. It will not do to erect a building simply to last our time, and to encumber the earth afterwards. As the funds of the court are to be burthened—at least in the first instance—with the payment, our posterity should have the advantage as well as the cost of the erection. In the present state of our judicial arrangements we have no great facilities for instruction in legal science. The basis of our operations, and the operations themselves, of our municipal code, are dependent more than is supposed upon a knowledge of the law of nature, the law of nations, and constitutional law—the law civil and the law general affect all other branches of the law of modern constructions in all its phases and relations. Some time ago a paper was read before the Law Amendment Society, propounding a scheme for a Law University of a very practical kind, and making reasonable propositions of compromise to meet the claims and jealousies, the pride and prejudice, of existing institutions. It was shown that a comprehensive legal education was necessary, not for lawyers only, but for all classes of statesmen, magistrates, officers abroad and at home, in foreign countries and in the colonies, and how a proper knowledge might often have saved us from many difficulties and escapades into which we have been brought by the too common ignorance of our *employés*. It is not too much to ask that in the proposed architectural arrangements a corner may be found for the use of professors and of those employed in the teaching of the law. The plan of incorporating the Inns of Court and the Law Society into a Legal University is worthy of consideration. There are abundance of funds applicable to such a purpose, and a large amount of property wasted on personal objects in a manner not unworthy of the London Corporation itself. The Inns of Court have vast libraries that might be made available, and halls that could be turned to some better account than discussing the usual number of dinners and the legal modicum of port wine. A general library, comprising a comprehensive and systematic collection of law books, would assist in establishing the materials and basis of a general consolidation of the law, and in the mean time form a good substitute for a want that is so generally felt. Such a concentration would also tend to bring together the men practising in the different courts, who now seldom meet on common ground, for the courts and offices are spread all over the town, and the authority of Westminster Hall is narrowed within bounds quite incommensurate with the demands of modern times. The system of meeting at dinner in so many various halls is sadly at variance with the usages and conveniences of modern times. It is good so far as it goes, but it does not go the length of concentrating or of instructing. The men who govern, and who administer justice, should be something more than nisi prius lawyers, pleaders, or conveyancers. These considerations ought to have some weight in the proposed arrangements, as well as the more obvious and practical necessity of bringing all the offices connected with the practice of the law round a central locality. The great increase of business, and the crowded state of the streets, render such a concentration necessary, to say nothing of the chances of improving the architectural beauty of the great metropolis, and pulling down the unsightly obstruction of Temple Bar. Sir Richard Bethell has added much to his fame as a statesman and jurist by his efforts to procure the fusion of law and equity, and he will do much to regenerate both by bringing them together in a noble pile of buildings, constructed for moral as well as material effect. The several failures already made in modern London architecture forbid us to be too sanguine. But if a site sufficiently capacious can be cleared between Fleet-street and Lincoln's Inn, and the enterprise entrusted to able and intelligent hands, we do not despair of seeing a series of unique and convenient buildings, that will be an ornament to the locality, and a great convenience to the practitioners and the public. If, in addition to these obvious advantages, a provision can be made hereafter for a higher class of legal and general education, a still nobler and more lasting result will be accomplished in a manner the most natural and just.

Public Companies.

BILLS IN PARLIAMENT

For the Formation of New Lines of Railway in England and Wales.

The following Railway Bills have passed through committee in the House of Commons:—

Keadley Extension.
Mold and Denbigh Junction.
Rhyl Harbour Bridge and Railway.
Vale of Clwyd.

The following Bill has passed through committee in the House of Lords:—

Rumney Railway.

The preamble of the following Bill has been proved in committee in the House of Commons:—

Oswestry, Ellesmere, and Whitchurch.

Testimonial to Mr. Edward Burkitt.—We have always felt a very great pleasure in announcing any honour conferred upon, or testimonial presented to, any member of the profession; and we would take this opportunity of requesting the favour of communications from our readers, of any particulars respecting such an interesting subject. A short time since the markets committee of the corporation of London presented to Mr. Edward Burkitt, of Curriers' Hall, solicitor, their late chairman, a very elegant French dining-room clock, striking the hours and half hours, with escapement in front. The clock is set in a black marble case, inlaid with malachite, which bears the following inscription:—"Presented to Edward Burkitt, Esq., by the Markets Committee of the Corporation of London, as a mark of their respect and esteem for the able and judicious manner in which he performed the duties of chairman of that committee, the zeal and ability, the firmness and impartiality he displayed in conducting the business, and his kind, courteous, and friendly demeanour upon all occasions."

The Right Hon. Sir George Grey, Bart., M.P., Chancellor of the Duchy of Lancaster, with the approval of her Majesty, has been pleased to appoint Henry Wyndham West, Esq., to the important and responsible office of Attorney-General of

the Duchy Court of Lancaster, vacant by the death of Thomas F. Ellis, Esq. Mr. West (who is the eldest son of Martin John West, Esq., commissioner in bankruptcy for the Leeds district and recorder of Lynn), has been for some years revising barrister for the West Riding of Yorkshire, is recorder of Scarborough, and junior counsel to the Admiralty. We have much pleasure in recording the appointment, as he is also a citizen of London, and like Mr Lush, Q.C., and various other members of the Bar, a liveryman of the Curriers' Company.—*City Press.*

Births, Marriages, and Deaths.

BIRTHS.

Field—On April 19, at Ashleigh Anfield, near Liverpool, the wife of Samuel Field, Esq., Solicitor, of a son.

Hall—On April 19, at Park-parade, Ashton-under-Lyne, the wife of Henry Hall, Esq., of a daughter.

Harrison—On April 24, at Southampton-street, Bloomsbury, the wife of F. J. Harrison, Esq., of a son.

Nelson—On April 23, the wife of Albert O. Nelson, Esq., of Doctors'-commons, of a son.

MARRIAGES.

Barker—Parker—On April 23, Charles Henry Barker, Esq., of Gray's-inn-square, to Annie, daughter of the Rev. W. Parker.

Batchelor—Jones—On April 25, Albert W. Batchelor, Esq., of 29, Connaught-terrace, Hyde-park, to Emma, daughter of William J. Jones, Esq., M.R.C.S., of Lincoln's-inn.

Bromley—Winter—On April 24, N. Warner Bromley, Esq., of the Middle Temple, Barrister-at-Law, to Henrietta Martha, daughter of T. Bradbury Winter, Esq., of Brighton.

Cooper—Hatfield—On April 23, Thomas Cooper, Esq., Solicitor, of Mossley House, Congleton, to Fanny Elizabeth, daughter of Thomas Hatfield, Esq., of St. Martin's, Stamford.

Lloyd—Hathway—Recently, at St. Martin's-in-the-Fields, Edward Lloyd, of Lincoln's-inn, Esq., Barrister-at-Law, to Julia, widow of the late Henry Hathway, Esq.

Furniss—Dobie—On April 18, John Eyre Furniss, Esq., Solicitor, to Elizabeth Maria, daughter of Alexander Dobie, Esq., of Hyde-park-terrace.

DEATHS.

Calrow—On April 22, Mrs. Calrow, relict of the late Joseph Calrow, Esq., of Lincoln's-inn-fields, in the 73rd year of her age.

Cornish—On April 15, at Malaga, Thomas Charles Cornish, Esq., aged 48, son of the late John Cornish, Esq., Solicitor, Bristol.

Dax—On April 19, Anne Elizabeth, relict of the late Thomas Dax, Esq., Senior Master of the Court of Exchequer.

Dewsnap—On April 20, Mark, the infant son of Mark Dewsnap, Esq. of Lincoln's-inn, Barrister-at-Law, aged eight months.

Hillier—On April 23, W. J. Hillier, Esq., Solicitor, Portsea.

Jones—On April 17, Isaac Jones, Esq., Solicitor, Llanfyllen, North Wales.

Keene—On April 18, George John Keene, Esq., Solicitor, 147, Marylebone-road.

Marsden—On April 21, at Edmonton, James Edward, son of J. D. Marsden, Esq., aged 11.

Newbon—On April 17, Jane, relict of the late James Newbon, Esq., of Doctor's-commons, in her 84th year.

London Gazettes.

Professional Partnership Dissolved.

Tuesday, April 23, 1861.

Smith, Samuel, & Samuel Pearman Smith, Attorneys & Solicitors, Walsall (Smith & Son.) April 25, by mutual consent.

Windings-up of Joint Stock Companies.

Unlimited in Chancery.

Tuesday, April 23, 1861.

Risca Coal and Iron Company.—The Master of the Rolls has appointed James Edward Coleman, 16, Tokenhouse-yard, London, Accountant, to be official liquidator of this company.

Friday, April 26, 1861.

Unlimited in Chancery.

Agriculturist Cattle Insurance Company.—The Master of the Rolls order to wind up on April 20.

Agriculturist Cattle Insurance Company.—The Master of the Rolls will, on May 8, at 3, appoint an official manager.

Agriculturist Cattle Insurance Company.—Creditors to prove their debts before the Master of the Rolls on May 22, at 3, and for appointing an official manager.

Risca Coal and Iron Company.—The Master of the Rolls will proceed, on May 6, at 11, to settle the list of contributories.

Limited in Bankruptcy.

Cardiff and Caerphilly Iron Company.—Commissioner Fonblanque will, on May 7, at 12.30, at Basinghall-street, proceed to make a call on all contributories.

Cardiff and Caerphilly Iron Company.—May 7, at 12.30, at Basinghall-street for proof of debts before Commissioner Fonblanque.

General Steam Printing and Publishing Company (Limited).—Commissioner Holroyd will proceed, on May 8, at 1, at Basinghall-street, to settle list of contributories.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

Friday, April 19, 1861.

Atkinson, Christopher, Gent., Poulton-by-the-Sands, Lancashire. Clark, Solicitor, Lancaster. May 13.

Baker, Jane, Widow, Arundel, Sussex. French, Solicitor, Littlehampton. May 25.

Bowman, Joseph, Merchant, 18, Hackney-terrace, Hackney, Middlesex. Jones, Solicitor, 15, Sise-lane, London. June 10.

Chambers, Lancelot, Esq., Morden, Surrey. Drummonds, Robinson, & Till, Croydon, Surrey. July 1.

Chamberlayne, John, Esq., a retired Captain in Her Majesty's Navy, 8, Buckingham-street, Strand, Middlesex, and Berkeley Lodge, Shirley, Southampton. Church, Langdale, & King, Solicitors, 38, Southampton-buildings. June 20.

Eisdell, John Warmington, Attorney & Solicitor, St. Matthew's Lodge, Ipswich, Suffolk. Nash, Solicitor, Ipswich. June 1.

Green, William Garner, Gent., formerly of Camberwell, Surrey, afterwards of Bedford-square, Mile End Old Town, Middlesex, but late of Stratford-villa, Camden Town, Middlesex. Gibson, Solicitor, 19, Gracechurch-street. May 10.

Miller, Isaac, Fish Merchant, Great Yarmouth, Norfolk. Palmer, Solicitor, Great Yarmouth. Aug. 1.

Surman, John, Gent., Crawford-cottage, Twickenham-common, Middlesex, afterwards of Munster-terrace, Fulham, but late of Gunnersbury-place, Turnham-green, Middlesex. J. & J. Hopgood, Solicitors, 14, King William-street, Strand. May 16.

Wilkinson, Henry Joseph, Innkeeper, Loughborough. H. & W. H. Toone, Solicitors, Loughborough. June 1.

Tuesday, April 23, 1861.

Hill, Harriet, Widow, formerly of Upper Seymour-street, Portman-square, Middlesex, and then of Budleigh Salterton, Devonshire, and late of Slough, Berks. Field & Roscoe, Solicitors, 36, Lincoln's-inn-fields, Middlesex. June 1.

King, Charles, Esq., 62, Grand-parade, Brighton, and formerly of Southampton. Attree, Clarke, & Howlett, Solicitors, 8, Ship-street, Brighton. June 1.

Montgomery, Mary, Widow, Castle View, Derby-road, Bootle, Lancashire. Evans, Son, & Sandys, Solicitors, Liverpool. May 20.

Newton, Charles, Gun Manufacturer, Birchfield, Staffordshire, and of Birmingham. Partridge & Woodward, Solicitor, 51, Ann street, Birmingham. July 20.

Williams, John Penry, Esq., Abercamlais, Brecon. Whitelock & De Gex, Solicitors, 8, Serle-street, Lincoln's-inn, London. June 1.

Witham, Francis Elizabeth, Widow, 54, Eaton-square, Middlesex, and formerly of Fair Mile House, near Henley-on-Thames, Oxfordshire. Parkin & Pagden, Solicitors, 5, New-square, Lincoln's-inn. May 31.

Friday, April 26, 1861.

Allen, William, Solicitor, Shipston-on-Stour, Worcestershire. Morton, Solicitor, Shipston-on-Stour. June 30.

Barned, Israel, Esq., 100, Gloucester-terrace, Regent's-park, formerly Banker, Liverpool. Sampson, Samuel, & Emanuel, Solicitors, 31, New Broad-street. June 1.

Bright, Robert, Plumber, Wandsworth, Surrey. Corsellis, Solicitor, Wandsworth. June 8.

Burgess, Maria, Widow, Maye-street, Manchester. Chester, Staple-inn, Agent for Marriott, Solicitor, 28, Brown-street, Manchester. June 11.

Dawson, Thomas, Yeoman, Seacroft, Whitkirk, Yorkshire. Payne, Eddison, & Ford, Solicitors, 70, Albion-street, Leeds. June 1.

Gray, John, Stationer, 3, East Assembly-lane, Rose-street, Edinburgh. Knox, Accountant, 75, Princes-street, Edinburgh.

Gray, Robert, formerly Coach Proprietor, Bolt in Tun, Fleet-street, London, and late of Champion-place, Grove-lane, Camberwell, Surrey. Holmes, Solicitor, 25, Great James-street, Bedford-row. June 1.

Grint, George, Corn Dealer, Wandsworth, Surrey. Corsellis, Solicitor, Wandsworth. June 8.

Goodings, William, Esq., 2, Lee-place, Upper Clapton, Middlesex. W. & R. B. Baker, Solicitors, 3, Crosby-square, Bishopsgate, London. July 31.

Guggiari, Charles, otherwise Gouggiari, Carver and Gilder, Digbeth, Birmingham. Hodgson & Allen, Solicitors, 13, Waterloo-street, Birmingham. June 1.

Head, John, Gent., 41, Sydney-street, Brompton, Middlesex. Andrew, Atkins, & Irvine, Solicitors, 5, White Hart-court, Lombard-street, E.C. June 22.

Jackson, Joseph, Esq., late of Orpington, Kent. Clutton & Ade, Solicitors, High-street, Southwark. June 1.

Llewellin, Henry, Gent., formerly of Noble-street, London, late of 3, Coburg-place, Old Kent-road, Surrey. Burr, Solicitor, 12, Paternoster-row, London. June 15.

Prince, Richard, Gent., Passenham, Northamptonshire, late of Akely, Bucks. Parrott, Solicitor, Stony Stratford, Bucks. June 10.

Swift, William, Draper, Smethwick, Staffordshire. Hodgson & Allen, Solicitors, Birmingham. June 1.

Creditors under Estates in Chancery.

Last Day of Proof.

Friday, April 19, 1861.

Abbott, William, Jun., Doctors' Commons, London. Abbott v. Abbott, M. R. May 23.

GUNNING, MATTHEW, Lieutenant-Colonel, Gloucester-place, St. Marylebone. Middlesex. Gunning v. Gunning, M. R. May 23.

HOLT, HENRY, Chemist & Druggist, formerly of Newton, Montgomeryshire, late of Bishop's Castle, Salop. Evans v. Starr, M. R. May 6.

GEORGE, RIGHT HONOURABLE, Fifth Earl of Jersey. Jersey v. Jersey, V.C. Stuart. May 3.

LUKE, MARGARET, Widow, Goodwick, Pembroke. Rowe v. Rowe, M. R. May 21.

NEWTON, WILLIAM, Draper formerly of Taunton, Somersetshire, then Gent. Keynsham, then of the Wood Pavement Company, London, afterwards of Stratford-upon Avon, Warwickshire. Linendraper, then of Melbourne, Australia, and late of 22, Southampton-street, Bloomsbury, Middlesex. Newton v. Newton, M. R. November 2.

OGILVY, JANE, & FANNY OGILVY, Sisters & Spinsters, 1, Victoria-terrace, Bayswater, Middlesex. Campbell v. Palmer, V.C. Kindersley. May 18.

SHADFORTH, ELLEN, Widow, Belle Vue-terrace, Kingston-upon-Hull. Shadforth v. Burton, V.C. Stuart. May 24.

SUCKSMITH, WILLIAM, Carr-lane, North Brierley, Bradford. Sucksmith v. Sucksmith, V.C. Stuart. May 25.

WALLACE, THOMAS, Farmer, Normanton-upon-Trent, Nottinghamshire. Selby v. Wallace, M.R. May 9.

TUESDAY, April 23, 1861.

CHAPMAN, CHARLOTTE CAROLINE, Spinster, 13, Craven-place, Old Kent-road, Surrey. Barnes v. Howard, V. C. Wood. May 22.

FULLER, ROBERT, sen., Gent., late of Hales, Norfolk, and afterwards of Gillingham, Norfolk, Dodds v. Fuller, V. C. Wood. May 22.

WHITHAM, THEODORE WILLIAM, Barrister-at-law, lately of Melbourne, Australia, and formerly of the Temple, London, as to creditors in England, May 10; and as to creditors in Australia, November 2, V. C. Wood.

FRIDAY, April 26, 1861.

BURY, ROBERT, Esq., Bentley, Southampton. Bury v. M'Whinnie, V. C. Stuart. May 23.

COTTAM, ADAM, Machine Maker, Manchester. Newton & Cottam v. Cottam, V.C. Wood. June 1.

GRIFFIN, JANE, Licensed Victualler, 31, Aldersgate-street, London. Griffin v. Fisher, V.C. Wood. May 21.

MOORE, JOSEPH, Carpenter & Builder, Surbiton, Surrey. Moore & Walker v. Moore, V.C. Stuart. May 25.

NORTON, JOHN, Yeoman, Buxton, Derbyshire. Hoult v. Mycock & others, V.C. Stuart. May 25.

NORTON, WILLIAM, Builder, Uxbridge, Middlesex. Page & Another v. Norton, V.C. Stuart. May 24.

PHILLIPS, ELIZABETH, Widow, St. Woollos, Monmouthshire. Sawtell v. Williams, V.C. Wood. May 24.

ROBERTS, FLEMING THOMAS, Esq., Brighton. Whippy & Another v. Roberts, V.C. Kindersley. May 24.

WILLAN, EDWARD, Gent., 35, Bedford-row, Middlesex. Willan & Others v. Maples, M. R. May 21.

Assignments for Benefit of Creditors

FRIDAY, April 19, 1861.

BATES, PETER, Draper, North End, Croydon, Surrey. April 2. *Sol.* Jones, 15, Sise-lane, London.

BOYD, DAVID OGILVY, Stove Grate Manufacturer, 9, Conduit-street, Regent-street, and 267, Euston-road, Middlesex. April 17. *Sol.* Pitman, 9, Great James-street, Bedford-row, Middlesex.

BURNS, PHILIP, Cordwainer, Liverpool. April 16. *Sol.* Yates, jun., 22, Fenwick-street, Liverpool.

DAVIS, WILLIAM HENRY, jun., Nurseryman & Florist, Greenham, Thatcham, Berks. April 12. *Sols.* Pinniger & Sons, Newbury, Berks.

JENKS, JOHN, Innkeeper, Grazier, & Lime Merchant, Bedford. April 10. *Sol.* Eagles, Bedford.

JONES, JOHN, Boot & Shoemaker, Kingston-upon-Hull. April 8. *Sols.* Eaton & Beilby, Kingston-upon-Hull.

LOCKLEY, JESSE, Cutler, 81 & 83, Upper East Smithfield, Middlesex. April 10. *Sol.* Watson, 27, Worship-street, Finsbury, London.

MARTIN, GEORGE, & RICHARD MARTIN, Shoe Manufacturers, St. Gregory's, Norwich. March 26. *Sol.* Sadd, jun., Theatre-street, Norwich.

SCULLARD, GEORGE, Builder, Whitchurch, Southampton. *Sol.* Rawlins, Winchester. March 28.

SIMPSON, ROBERT, Ironmonger, Sunderland. *Sols.* Ranson & Son, Sunderland. March 27.

SYMONS, WILLIAM, General Shopkeeper, Bilbrooke, Old Cleeve, Somersetshire. *Sols.* Warden & Ponsford, Bardon, near Taunton, Somersetshire. March 25.

VINGOE, JOHN, Builder, 9A, Westbourne-park, Bayswater, Middlesex, *Sol.* Girdwood, 14, Old Jewry Chambers, London. April 11.

TUESDAY, April 23, 1861.

ADAMS, JOHN, Ironmonger, Thorne, Yorkshire. April 6. *Sol.* Beckett, Thorne.

BURNLEY, SAMUEL, & JACOB BURNLEY, Woollen Manufacturers, Batley, Yorkshire. March 27. *Sols.* Walker, Dewsbury; and Scholefield, Batley.

BUSBY, WILLIAM, Grocer, Leigh, Essex. April 3. *Sol.* Brutton, 27, Basinghall-street, London.

COOKE, LANE, & MATTHEW COOKE, Paper Manufacturers, Mooraley Banks Paper Mill, Durham. April 16, *Sol.* Watson, Durham.

COURTENEY, HENRY, Innkeeper, Cinderford, East Dean, Gloucestershire. March 26. *Sol.* Carter & Goold, Newnham.

GOSS, HENRY, Haberdasher, 6, Slater-street, Bold-street, Liverpool. March 15. *Sols.* Green & Payne, 5, St. James's-square, Manchester.

HALL, WILLIAM, & JOHN HALL, Machinists, Ashton-under-Lyne. April 4. *Sols.* Brooks, Marshall, & Brooks, 99, Stamford-street, Ashton-under-Lyne.

HEAPE, JANE, Widow, Kempster's-buildings, Shrewsbury. April 4. *Sol.* Gordon, Guildhall, Shrewsbury.

LAINSON, GEORGE FREDERICK, Linen Draper, 1, Grosvenor-place, Commercial-road, East, Middlesex. April 15. *Sol.* Loxley, 80, Cheapside, London.

PEAT, FRANCIS, Grocer, Tea Dealer, & Provision Merchant, Bridgnorth, Salop. April 16. *Sol.* Hardwick, Bridgnorth.

SADLER, AMOS, Baker & Flour Dealer, Liscard, Chester. April 2. *Sol.* Yates, jun., 22, Fenwick-street, Liverpool.

SCOTT, JOHN, Coal Merchant, Shrewsbury. April 13. *Sols.* C. D. & A. S. Craig, the Crescent, Shrewsbury.

STARLING, HENRY WALLER, & MORTIMER STARLING, Chemists, 35, Charing-cross, Middlesex. March 25. *Sols.* Hare & Whitfield, 1, Mitre-court, Temple.

TURNER, EDWARD, Silk Manufacturer, Derby. April 12. *Sol.* Haywood, Derby.

UNDERWOOD, DANIEL, Draper & Grocer, Langford, Somersetshire. March 30. *Sol.* Prideaux, Bristol.

WILLOUGHBY, HENRY, Clothier & Boot & Shoe Maker, Lichfield-street, Wolverhampton. April 5. *Sol.* Langman, High-green, Wolverhampton.

FRIDAY, April 26, 1861.

BUNTING, WILLIAM, Miller & Farmer, Grimstone, Norfolk. April 20. Jarvis, Solicitor, King's Lynn.

CAMPION, WILLIAM, Farmer, Maldford, Northamptonshire. April 1. Roche, Solicitor, Daventry.

FOTHERGILL, THOMAS FAWCETT, Slate Merchant, Boston, Lincolnshire. April 16. York, Solicitor, Boston.

HATTERSLEY, HENRY FRANCIS, Barton-upon-Humber, Lincolnshire. April 3. England, Solicitor, Kingston-upon-Hull.

HARTLEY, GEORGE, Common Brewer, St. John's Brewery, Sheffield. April 12. *Sols.* Rodgers & Thomas, Sheffield.

JONES, JOHN, Victualler, New Farmer's Arms-inn, Llangucke, Glamorganshire. March 30. *Sol.* Lewis, Llandilo, Carmarthen.

KINGSTON, RICHARD THOMLINSON, Common Brewer, New Malton, Yorkshire. April 18. *Sol.* Jackson, New Malton.

LEWIS, EDMUND, & WILLIAM BELTON, Carpet Warehousemen, 4 & 5, Noble-street, Cheapside, London. April 2. *Sol.* Weeks, 1, Falcon-square, London.

MARTIN, GEORGE, & RICHARD MARTIN, Shoe Manufacturers, St. Gregory's, Norwich. March 26. *Sol.* Sadd, Norwich.

MAJOR, GEORGE, Builder & Timber Merchant, Swindon, Wilts. April 16. *Sol.* Kinnier, Swindon.

SMITH, REBECCA ANN, Widow, carrying on business in the name of Ann Butcher, Earthenware Dealer. St. Leonard's-road, Bromley, Middlesex. Jan. 9. *Sol.* Todd, 75, Newgate-street, London.

TAYLOR, DAVID, Tailor, 16, Poland-street, Oxford-street, Middlesex (Taylor & Son). April 20. *Sol.* Taylor, 19, Old Burlington-street.

THOMAS NATHANIEL, Upholsterer, Gilbert-street, Grosvenor-square, Middlesex. March 15. *Sol.* Treherne, 17, Gresham-street, London.

TWAITES, THOMAS, WILLIAM BURY WESTALL, & OTHO HENRY KASELACK, Merchants & Brokers, Blackburn and Manchester, Lancashire. April 13. *Sols.* J. & W. Norris & Wood, 7, St. James's-square, Manchester.

WILLIAMSON, JAMES, Grocer, Kidsgrove, Staffordshire. March 13. *Sol.* Sherratt, Talk-on-the-Hill, Stafford.

Bankrupts.

FRIDAY, April 19, 1861.

ADAMS, FREDERICK WILLIAM, Carver, Gilder, Picture-frame Manufacturer, & Dealer in Pictures, 9, King-street, Covent-garden, Middlesex. *Com.* Evans: May 2, at 11.30; and June 6, at 11; Basinghall-street. *Off. Ass.* Bell. *Sol.* Gibson, 19, Gracechurch-street. *Pet.* April 18.

BEGHIN, LOUIS, Merchant, 34, St. Mary-at-Hill, London. *Com.* Goulburn: May 1, at 12; and 29, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Ellis, Bannister, & Robinson, 12, Clements-lane, London. *Pet.* April 16.

BRAIN, WILLIAM. Grocer & Brick Maker, Risca, Monmouthshire. *Com.* Hill: April 30, and May 28, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Greenway & Bytheway, Pontypool; or Bevan, Girling, & Press, Bristol. *Pet.* April 9.

COPELAND, ELIZABETH, Widow, Grocer, & Druggist, March, Cambridgeshire. *Com.* Fonblanque: April 30, and May 22, at 1; Basinghall-street. *Off. Ass.* Stansfeld. *Sols.* Lawrence, Smith, & Fawdon, 12, Bread-street, London; or Wise & Dawbarn, March, Cambridge. *Pet.* April 15.

DIGBY, THOMAS, Tailor, Ottery St. Mary, Devonshire. *Com.* Andrews: May 1 & 29, at 12; Exeter. *Off. Ass.* Hirtzel. *Sol.* Fryer, St. Thomas, Exeter. *Pet.* April 16.

FREEMAN, HENRY, Merchant & Commission Agent, 110, Leadenhall-street, London. *Com.* Holroyd: April 30, at 2; and June 1, at 1; Basinghall-street. *Off. Ass.* Edwards, *Sol.* Waldron, 18, Red Lion-square, Holborn, London. *Pet.* April 18.

GILBERT, EDWARD RALPH, Mantle Manufacturer, Cripplegate-buildings, London. *Com.* Goulburn: April 29, and May 31, at 11; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Treherne, 17, Gresham-street, London. *Pet.* April 18.

GOUGH, JAMES BURGIN, Timber Merchant, 5, Theberton-street, Liverpool-road, Islington, Middlesex. *Com.* Fane: May 3, at 1.30; and May 31, at 1; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Brown & Godwin, 21, Finsbury-place. *Pet.* April 16.

HEMMING, WILLIAM THOMAS, Bill Broker & Scrivener, 37, Old Broad-street, London. *Com.* Evans: May 3, and June 6, at 12; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Runnacles, Elgin-chambers, Ironmonger-lane, London. *Pet.* April 16.

LEWIS, ARTHUR CHARLES, Tailor & Draper, 1, Northumberland-buildings, Bath. *Com.* Hill: April 29, and May 27, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Huson & Parker, 4, King-street, Cheapside, London; or Bevan, Girling, & Press, Bristol. *Pet.* April 3.

LYON, SIMON, Cabinet Maker & Upholsterer, 23, Frederick's-place, Hampstead-road, Middlesex (James Simon Lyon). *Com.* Fane: May 3, at 12.30; and May 31, at 1.30; Basinghall-street. *Off. Ass.* Whitmore. *Sol.* Reed, 2A, St. Anne's-lane, City. *Pet.* April 18.

M'KAY, GORDON GILCHRIST, Ships' Stores Dealer, Liverpool. *Com.* Perry: April 29, and May 23, at 11; Liverpool. *Off. Ass.* Bird. *Sol.* Barrell, Lord-street, Liverpool. *Pet.* April 16.

MILLS, JOSEPH, Builder & Timber Dealer, Stratford-upon-Avon, Warwickshire. *Com.* Sanders: May 3, and 24, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Hodgson & Allen, Birmingham; or Lane, Stratford-upon-Avon. *Pet.* April 12.

PARKINSON, THOMAS, Stock & Share Broker, Halifax. *Com.* West: May 3, and June 7, at 11; Leeds. *Off. Ass.* Young. *Sols.* Robson & Suter, Halifax, or Cariss & Cudworth, Leeds. *Pet.* April 12.

PARSONS, WILLIAM, Draper, Brill, Bucks. *Com.* Goulburn: May 1, at 11.30, and June 3, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Mason, Sturt, & Mason, 7, Gresham-street, London. *Pet.* April 18.

PETTIT, CHARLES RICHARD, Corn Dealer & Seedsman, Marlborough, Wilts. *Com.* Hill: April 29, and May 28, at 11; Bristol. *Off. Ass.* Miller. *Sol.* Malcomb, Marlborough, or Hesderson, Bristol. *Pet.* April 10.

PIPER, JOHN, Wine Merchant, 73A, Clarendon-street, Pimlico, Middlesex. *Com.* Holroyd: April 30, at 2.30, and June 1, at 12; Basinghall-street. *Off. Ass.* Edwards. *Sol.* King, 25, College-hill, Cannon-street West, London. *Pet.* April 16.

TALLIS, JOHN, Printer & Publisher, 199, Strand, and Water-street, Strand.

Middlesex. *Com.* Evans: May 3, at 12.30, and June 6, at 2; Basinghall-street. *Off. Ass.* Bell. *Sols.* Sole, Turner, & Turner, Aldermanbury, or Lawrance, Plews, & Boyer, Old Jewry. *Pet.* Sept. 28.

Tuesday, April 23, 1861.

Andrews, James, Butcher & Cattle Dealer, 15, Desborough-place, Harrow-road, Paddington, Middlesex. *Com.* Fonblanque: May 7, at 1; and May 29, at 12; Basinghall-street. *Off. Ass.* Graham. *Sols.* Stopher, 36, Coleman-street, City, London; and Becke, Northampton. *Pet.* April 11.

Blagg, William, Baker & Confectioner, Bakewell, Derbyshire. *Com.* West: May 4, and June 15, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Allenby, Birmingham; or Bond & Barwick, Leeds. *Pet.* April 16.

Bullamore, Richard, Baker, Grocer, & Draper, Boon Gate & New England, Peterborough. *Com.* Fane: May 10, at 11.30; and June 7, at 12; Basinghall-street. *Off. Ass.* Cannan. *Sols.* Deacon & Taylor, Peterborough, and 14, King-street, Finsbury-square. *Pet.* April 15.

Doust, David Henry, Omnibus Proprietor, 1, Pomeroy-place, Pomeroy-street, New Cross, Surrey. *Com.* Evans; May 3, at 11.30; and June 4, at 12; Basinghall-street. *Off. Ass.* Bell. *Sols.* Sole, Turner, & Turner, Aldermanbury. *Pet.* April 22.

Dudley, William, Licensed Victualler, Butcher's Arms, Metropolitan Market, Islington, Middlesex. *Com.* Fane: May 3, at 2; and June 7, at 1; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Laurence, Smith, & Fawdon, 12, Bread-street, Cheapside; or Hammond, 16, Furnival's-inn, Holborn. *Pet.* April 20.

Gandy, Gerard, Ironmaster, Leeswood, near Mold, Flintshire. *Com.* Perry: May 7 and 29, at 11; Liverpool. *Off. Ass.* Turner. *Sols.* Bagshaw & Son, King-street, Manchester; or Fletcher & Hull, 6, Cook-street, Liverpool. *Pet.* April 8.

Gough, James Burgui (and not James Burgin Gough, as formerly advertised), Timber Merchant, 5, Theberton-street, Liverpool-road, Islington, Middlesex. *Com.* Fane: May 3, at 1.30; and May 31, at 1; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Brown & Godwin, 21, Finsbury-place. *Pet.* April 16.

Hickes, George, Cotton Manufacturer, Portwood, Stockport. *Com.* Jemmett: May 10 and 31, at 12; Manchester. *Off. Ass.* Hernaman. *Sol.* Atherton, Manchester. *Pet.* April 19.

Hill, Samuel, Furniture Dealer, Tailor & Draper, Hanley, Stoke-upon-Trent, Staffordshire. *Com.* Sanders: May 3 and 24, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Sale, Worthington, Shipman, & Seddon, Manchester; or Hodgson & Allen, Birmingham. *Pet.* April 17.

Hughes, Thomas, Licensed Victualler, Talbot Inn, Digbeth, Walsall, Staffordshire. *Com.* Sanders: May 6 and 29, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* E. & H. Wright, Birmingham. *Pet.* April 20.

Kirkpatrick, George Hamilton, Draper, 32, Lord Nelson-street, Liverpool. *Com.* Perry: May 3 and 27, at 11; Liverpool. *Off. Ass.* Turner. *Sol.* Husband, 9, James-street, Liverpool. *Pet.* April 20.

Moore, Abraham, Chemist & Druggist, Wednesbury, Staffordshire. *Com.* Sanders: May 6, and June 3, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Whitehouse, Wolverhampton; or James & Knight, Birmingham. *Pet.* April 15.

Neech, John, Miller & Coal Merchant, Ayisham, Norfolk. *Com.* Evans: May 3, at 1; and June 4, at 12.30; Basinghall-street. *Off. Ass.* Bell. *Sol.* Treherne, 17, Gresham-street. *Pet.* April 22.

Norfor, Henry James, Builder, Great Yarmouth. *Com.* Fane: May 3, at 12; and June 7, at 11; Basinghall-street. *Off. Ass.* Cannan. *Sols.* Storey, 6, King's-road, Bedford-row; or Chamberlain, Great Yarmouth. *Pet.* April 20.

Owens, Thomas, Baker, Grocer, Flour & Provision Dealer, Stanley-street and Cross-street, Holyhead. *Com.* Perry: May 7 and 29, at 1; Liverpool. *Off. Ass.* Morgan. *Sol.* Eyton, Flint. *Pet.* April 22.

Shepley, Samuel, Chemist & Druggist, Chesterfield. *Com.* West: May 4, and June 15, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Clayton, Chesterfield; or Smith & Burdekin, Sheffield. *Pet.* April 11.

Swift, Thomas, & Robert Wigfall, Coal Merchants, Manchester (Thomas Swift & Co.) *Com.* Jemmett: May 3 and 31, at 12: Manchester. *Off. Ass.* Fraser. *Sols.* Cobbett & Wheeler, Manchester. *Pet.* April 11.

Tremlett, Francis, Miller, Upton Helions, Devonshire. *Com.* Andrews: May 8, and 29, at 12; Exeter. *Off. Ass.* Hirtzel. *Sols.* Langdon, Crediton; or Fryer, St. Thomas, Exeter. *Pet.* April 22.

Trickett, George, Metal Merchant, 5, Great Winchester-street, London. *Com.* Evans: May 2, and June 4, at 11; Basinghall-street. *Off. Ass.* Johnson. *Sols.* Sewell, Sewell, & Edwards, Gresham House, Old Broad-street. *Pet.* April 19.

Wade, Samuel Wesley Handy, Wine & Spirit Merchant, & Produce Merchant, Leeds. *Com.* Ayrton: May 6, and June 10, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Neal & Martin, Liverpool; or Cariss & Cudworth, Leeds. *Pet.* April 4.

Friday, April 26, 1861.

Allen, Joseph, Smallware Manufacturer, Irwell Foundry, Radcliffe-bridge, Lancashire. *Com.* Jemmett: May 10, and June 4, at 12; Manchester. *Off. Ass.* Hernaman. *Sol.* Storer, 89, Fountain-street, Manchester. *Pet.* April 18.

Ballard, Joseph Taylor, Draper, Leicester. *Com.* Holroyd: May 7, at 1; and June 11, at 12; Basinghall-street. *Off. Ass.* Edwards. *Sol.* Jones, 15, Sise-lane, Bucklersbury, London. *Pet.* April 10.

Bartleet, William Smith, Grocer & Provision Dealer, Oldbury, Worcestershire. *Com.* Sanders: May 9, & 30, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Plunkett & Shakespeare, Westbromwich; or James & Knight, Birmingham. *Pet.* April 22.

Bates, Peter, Draper, Croydon, Surrey. *Com.* Goulburn: May 6, at 12.30; and June 10 at 12; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Jones, 15, Sise-lane, London. *Pet.* April 20.

Clark, William, jun., Timber Merchant, 1, Southwark-bridge-road, Southwark, and 12, Rockingham-row, New Kent-road, Surrey. *Com.* Fonblanque: May 8, at 2; and June 5, at 1.30; Basinghall-street. *Off. Ass.* Graham. *Sol.* Wright, 123, Chancery-lane, London. *Pet.* April 24.

Gibson, William, Provision Merchant, Leeds. *Com.* West: May 10, and June 7, at 11; Leeds. *Off. Ass.* Young. *Sols.* G. A. W. Emsley, Leeds. *Pet.* April 24.

Goddard, James, Draper, Earl Soham, near Framlingham, Suffolk. *Com.* Fonblanque: May 8, at 2.30, and June 5, at 12; Basinghall-street. *Off. Ass.* Graham. *Sols.* Mason, Sturt, & Mason, 7, Gresham-street. *Pet.* April 19.

Haynes, Philip, Silk Manufacturer, 10, James-street, Old Bethnal-green-road, Middlesex. *Com.* Evans: May 9, at 1; and June 13, at 12; Basinghall-street. *Off. Ass.* Johnson. *Sols.* May & Son, 2, Princes-street, Spitalfields. *Pet.* April 24.

Juckes, John, jun., Manufacturer of Patent Furnaces, Standard Factory, Wharf-road, City-road, Middlesex. *Com.* Goulburn: May 8, at 1; and June 17, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Harrison & Lewis, 6, Old Jewry, London. *Pet.* April 25.

Mott, Thomas, Cabinet Maker & Upholsterer, Salisbury, Wilts. *Com.* Fonblanque: May 8, at 1.30; and June 5, at 1; Basinghall-street. *Off. Ass.* Stansfeld. *Sols.* Venning, Naylor, & Robins; 9, Tokenhouse-yard, London; and Cobb & Smith, Salisbury. *Pet.* April 24.

Peterson, Thomas Pexton, Scrivener, Dealer in Horses, Cattle, Corn, & Timber, Bristol, and lately also of Downend, Gloucestershire. *Com.* Hill: May 6, and June 10, at 11; Bristol. *Off. Ass.* Acraman. *Sol.* Harris, Bristol. *Pet.* April 22.

Sanderson, Frederick, Coach Maker, 34. Dominick-street, Dublin, Ireland, and 12, Tottenham-street, Fitzroy-square, Middlesex. *Com.* Fonblanque: May 7, at 12, and June 5, at 2.30; Basinghall-street. *Off. Ass.* Stansfeld. *Sol.* Watson, 18, Cannon-street, London. *Pet.* April 17.

Tonks, John, Victualler, Tonk's Hotel, Hill-street, Birmingham. *Com.* Sanders; May 9 & 30, at 11; Birmingham. *Off. Ass.* Kinnear. *Sol.* Suckling, Birmingham. *Pet.* April 18.

MEETINGS FOR PROOF OF DEBTS.

Friday, April 19, 1861.

Allcock, Joseph, jun., Miller, Ilford, Essex. May 16, at 11; Basinghall-street.—Arnold, Philip, and John Arnold, Straw Plait Merchants, Luton, Bedfordshire. May 10, at 12, Basinghall-street.—Binns, William, Painter & Paper Hanger, Kingston-upon-Hull. May 29, at 12; Kingston-upon-Hull.—Bird, Samuel James, Brewer, Weston, near Bath, Somersetshire. May 10, at 11; Bristol.—Botting, Edwin, Grocer, Brighton. May 1, at 2, Basinghall-street.—Brown, Henry, & Brook Hodgson, Velvet Manufacturers, Halifax, Yorkshire (Henry Brown & Co.) May 10, at 11; Leeds.—Clabbourn, Samuel, Broker & Commission Agent, Kingston-upon-Hull. May 29, at 12; Kingston-upon-Hull.—Fairey, William, Provision Merchant, Grocer, and Tea Dealer, Bedford. May 1, at 11; Basinghall-street.—Goldschmidt, Edward, & Hermann Boas, Wholesale Stationers, Nottingham (Edward Goldschmidt & Co.), May 21, at 11; Nottingham.—Hartley, Joseph, Cloth Manufacturer, Calverley, Yorkshire, May 10, at 11; Leeds.—Herring, William, Confectioner & Spice Merchant, Liverpool. May 13, at 11; Liverpool.—Hills, William, Draper, Sandgate, Kent. May 10, at 11.30; Basinghall-street.—Horncastle, Joseph, Seed Merchant, Glamford Briggs, Lincolnshire. May 29, at 12; Kingston-upon-Hull.—Hunt, Edward, Hop Merchant, 6, Three Crown-square, Southwark, Surrey. April 30, at 2; Basinghall-street.—Jones, John, Wine and Timber Merchant, Chepstow, Monmouthshire. May 10, at 11; Bristol.—Kemp, Henry Fridlington, & William Sket, Distillers, Louth, Lincolnshire. May 29, at 12; Kingston-upon-Hull.—Linley, Thomas, Grocer, Beverley. May 29, at 11; Kingston-upon-Hull.—Muscott, John, Engineer, Miller, Farmer, & Brick and Tile Maker, Pembridge, Herefordshire. May 13, at 11; Birmingham.—Randall, John Davis, & George Thomas Dicks, Leather Sellers, Greek-street, Soho, Middlesex. May 11, at 12; Basinghall-street.—Shipley, John George, Saddler & Harness Maker, 179 & 181, Regent-street, Middlesex. April 30, at 1.30; Basinghall-street.—Threlfall, William, Iron Merchant, Preston. May 14, at 12; Manchester.

Tuesday, April 23, 1861.

Allcock, Joseph, jun., Miller, Ilford, Essex. May 16, at 11; Basinghall-street.—Baylis, Richard Castle Toner, Shoe Mercer, 3, Lilly Pot-lane, and 35, Jewin-street, London. May 15, at 12.30; Basinghall-street.—Brooksbank, John, Brush Board Cutter, 33, King-street, Clerkenwell, Middlesex. May 16, at 11.30; Basinghall-street.—Browning, Joseph Dodsworth, Cabinet Maker, Bristol. May 17, at 11; Bristol.—Dalgleish, William, Spirit Merchant, Liverpool. May 14, at 11; Liverpool.—Hall, Joseph William, Dealer in Agricultural Implements, Cardiff, Glamorganshire. May 17, at 11; Bristol.—Kelland, George, jun., Grocer & Tea Dealer, Lancaster. May 14, at 12; Manchester.—Nash, George, Bricklayer & Builder, Leighton Buzzard, Bedfordshire. May 15, at 1; Basinghall-street.—Ormesher, James, & William Ormesher, Silk Manufacturers, Manchester, also of Blackley, Lancashire (James & William Ormesher) May 15, at 12; Manchester. Pringle, Eladon, Ship Owner, Southport, Lancashire. May 17, at 11; Liverpool.—Sherratt, Peter, Silk Manufacturer, Macclesfield, Chester. May 16, at 12: Manchester.—Spicer, Thomas, Oil & Colourman, 2, Little Britain, London. April 30, at 12.30; Basinghall-street.—Stoddart, Joseph, Draper, North Leach, Gloucestershire. May 24, at 11; Bristol.—Warburton, George, & John Ormesher, Silk Brokers and Merchants, Manchester (Warburton & Ormesher.) May 17, at 12; Manchester.—Williams, William, Iron Manufacturer, Pentwyn Golynos and Pontnewynydd, Monmouthshire (William Williams & Co.) May 17, at 11; Bristol.—Wyatt, John, Licensed Victualler, Chipping Campden, Gloucestershire. May 16, at 11; Bristol.—Young, Samuel, Licensed Victualler, Racket Court Inn, Bath-street, Birmingham. May 23, at 11; Birmingham.

BANKRUPTCY ANNULLED.

Friday, April 26, 1861.

Pinchbeck, Henry, Builder, Horncastle, Lincolnshire.

Friday, April 20, 1861.

Abbott, George, & Francis Stevens, Northampton Curriers & Leather Sellers, Earl's Barton. May 21, at 1.30; Basinghall-street.—Charlton, Charles Henry, Solicitor & Scrivener, 4, Garden-court, Temple Middlesex. May 1 at 1; Basinghall-street,—Fletcher, Richard, Westley, & Joseph, Merchants, Saddlers, Ironmongers, Walsall, Stafford. June 3, at 11; Birmingham.—Gibbs, Benjamin, Leather Merchant, 87, Bermondsey-street, Southwark. May 17, at 12.30; Basinghall-street.—Hoad, William Daniel, Shipbuilder, Merchant, Watchbell-street, Rye, Sussex. May 17 at 12; Basinghall-street.—Hyman, Leonard, London Merchant & Commission Agent, 22, Mincing-lane. May 21, at 11; Basinghall-street.—Lock, Francis, Miller, Corn Dealer, West Bowes Mills, Bridgwater. May 22, at 12; Exeter.—Nutt, James, 25, Leadenhall-street, London. May 17, at 11; Basinghall-street.—Osmond Henry, General Dealer in Cheese and Butter, Sturminster, New Castle. May 8, at 1; Basinghall-street.—Pearson, William, Market Gardener, Suffolk. May 6, at 1; Basinghall-street.